

**MICHIGAN STATE TRANSPORTATION COMMISSION**  
**PUBLIC MEETING**  
**AGENDA**

**DATE:** Thursday, July 23, 2020

**LOCATION:** Microsoft TEAMs Meeting / Conference Call In

**STATE TRANSPORTATION COMMISSION MEETING**

**TIME/ROOM:** 10:00 a.m., [Join Microsoft Teams Meeting](#);

Call In Line: 1-248-509-0316; Conference ID 864 359 476#

**I. WELCOME**

**II. COMMISSION BUSINESS**

- Minutes of January 30, 2020 Commission Meeting (**motion required**)
- Joint Minutes of January 30, 2020 STC/MAC Meeting (**motion required**)
- Transportation Asset Management Appointments – Troy Hagon

**III. PRESENTATIONS**

- Transportation Asset Management Annual Report – Roger Belknap, TAMC Coordinator (**motion required**)
- Tribal Affairs Policy Update & Annual Report – Amy Matisoff, MDOT Tribal Liaison (**motion required**)

**IV. PUBLIC COMMENTS**

**V. ADJOURNMENT**

**VI. NEXT MEETING**

- The next full meeting is TBD.

The Commission may, at its discretion, revise this agenda or take up any other issues as need and as time allows. If you have any questions regarding this meeting, or need special accommodations to attend this meeting, please notify the State Transportation Commission Office at 517-335-5919.

Accommodations can be made for persons with disabilities and Limited English Proficiency. Large print materials, auxiliary aides or the services of interpreters, signers, or readers are available upon request. Please call 517-335-4381 to request at least seven days before the meeting date.

**Meeting materials and minutes can be found on our website at [www.michigan.gov/transcommission](http://www.michigan.gov/transcommission).**

# MICHIGAN STATE TRANSPORTATION COMMISSION

## PUBLIC MEETING

January 30, 2020

Aeronautics Building, Lansing, Michigan

## MEETING MINUTES

**Members Present:** Todd A. Wyett, STC Chair  
Michael D. Hayes, STC Vice Chair  
Stephen F. Adamini, STC Commissioner  
George K. Heartwell, STC Commissioner  
Chris J. Yatooma, STC Commissioner  
Helen Zeerip, STC Commissioner

**Members Absent:** None

**Also Present:** Director Ajegba, Michigan Department of Transportation  
Tony Kratofil, COO, MDOT  
Laura Mester, CAO, MDOT  
David Brickey, Assistant Attorney General, Transportation Division  
Jeff Cranson, Office of Communications, MDOT  
Troy Hagon, Commission Advisor  
Janie Gallimore, Executive Assistant, Governmental Affairs  
Patrick McCarthy, Director, MDOT Bureau of Finance  
Brad Wieferich, Director, MDOT Bureau of Development  
Jason Gutting, MDOT Bureau of Field Services  
Jack Cotter, Commission Auditor, Office of Commission Audits  
ShuKeyna Thurman, Executive Assistant, Office of Commission Audits  
Ashleigh Houska, General Office Assistant, Office of Commission Audits  
Greg Johnson, WSP Parson Brinkerhoff  
Mike Nystrom - MITA  
About 20-30 people were in the audience.

### I. **WELCOME**

Chair Wyett called the meeting to order at 8:00 a.m.

### II. **COMMISSION BUSINESS**

- ***Minutes of October 17, 2019, Commission Meeting (motion required)***

Chair Wyett requested a motion regarding approval of the minutes for the last State Transportation Commission meeting. Commissioner Heartwell made a motion to approve and Vice Chair Hayes supported. Chair Wyett led a voice vote; all members present voted in favor; **motion to approve carried.**

- ***2009 and 2011 STF Refunding Resolution – Patrick McCarthy (motion required)***

Mr. McCarthy presented a Resolution requiring a motion by the Commission to allow MDOT to refund the 2009 and 2011 STF bonds assuming the market conditions still warrant such a transaction. Currently the 2009 bonds are callable and with interest rate conditions as they

are, we will realize present value savings of \$7.6 million by refunding the entire outstanding bonds of \$110.4 million. This is a PV savings of 6.86% on the existing debt service.

Chair Wyett requested a motion regarding approval of the 2009 and 2011 STF Refunding Resolution. Vice Chair Hayes made a motion to approve and Commissioner Heartwell supported. Chair Wyett led a voice vote; all members present voted in favor; **motion to approve carried.**

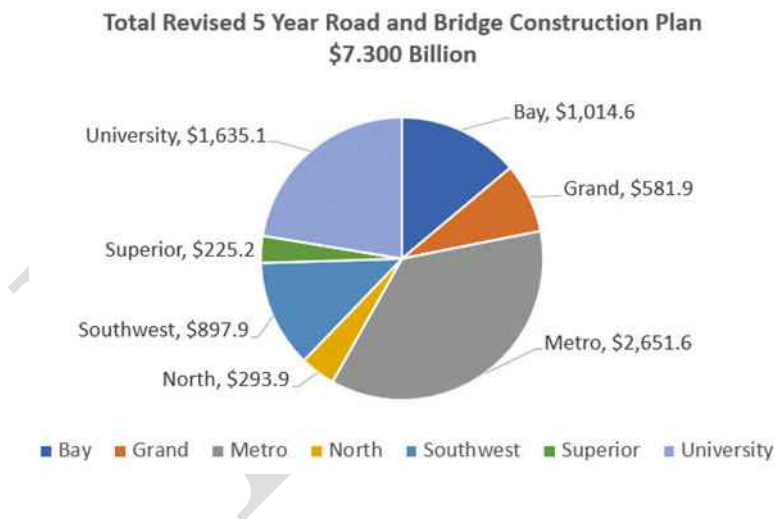
- ***New Bond Resolution – Laura Mester, CAO (motion required)***

Ms. Mester presented on the Rebuilding Michigan New Bond Resolution. The Rebuilding Michigan program objective is to rebuild the state highway and bridges that are critical to the state's economy and carry the most traffic. The investment strategy is aimed at fixes that result in longer useful lives and improves the condition of the state's infrastructure. In addition, this strategy allows MDOT to address key corridors and rebuild major segments of highly travelled interstates, such as I-69, I-75, and I-94, as well as several other busy freeways.

Chair Wyett requested a motion regarding approval of the New Bond Resolution. Vice Chair Hayes made a motion to approve and Commissioner Heartwell supported. Chair Wyett led a voice vote; all members present voted in favor; **motion to approve carried.**

- ***Approval of the Revised 5-Year Program – Laura Mester, CAO (motion required)***

Ms. Mester presented on a revised Five-Year Program that now incorporates a revised total investment amount of \$7.3 billion versus the original \$3.9 billion.



Chair Wyett requested a motion regarding approval of the Revised 5-Year Program. Commissioner Heartwell made a motion to approve and Vice Chair Hayes supported. Chair Wyett led a voice vote; all members present voted in favor; **motion to approve carried.**

- ***Transportation Asset Management Council (TAMC) Appointments – Troy Hagon***

Mr. Hagon presented two nominations for reappointments to the Asset Management Council for Mr. Jon Start and Ms. Jennifer Tubbs.

Chair Wyett requested a motion regarding approval of TAMC nominations. Commissioner Heartwell made a motion to approve and Commissioner Zeerip supported. Chair Wyett led a voice vote; all members present voted in favor; **motion to approve carried.**

- ***Office of Commission Audits (OCA) Update – Jack Cotter***

Mr. Cotter gave a brief update on OCA, stating that although OCA is currently short staffed, last year OCA's auditors and administrative assistants released 1200 products for its client, MDOT. **No motion required.**

### III. **OVERSIGHT**

- ***Exhibit A: Contract Agreements – Patrick McCarthy***

Mr. McCarthy presented information on 14 contracts, comprised of Local Agency participation contracts, Passenger Transportation contracts, and Rail contracts. Pending any questions, Mr. McCarthy asked for approval of Exhibit A.

Chair Wyett requested a motion regarding approval of Exhibit A. Commissioner Heartwell made a motion to approve and Commissioner Zeerip supported. Chair Wyett led a voice vote; all members present voted in favor; **motion to approve carried.**

- ***Exhibit A-1: Bid Letting Pre-Approvals – Patrick McCarthy***

Mr. McCarthy presented information about Letting Statistics and Exhibit A-1. Exhibit A-1 contains 56 contracts, all of which will be let on February 7, 2020, with an engineer's estimate greater than \$500,000. Pending any questions, Mr. McCarthy asked for approval of Exhibit A-1.

Chair Wyett requested a motion regarding approval of Exhibit A-1. Commissioner Yatooma made a motion to approve and Commissioner Heartwell supported. Chair Wyett led a voice vote; all members present voted in favor; **motion to approve carried.**

- ***Exhibit A-2: Letting Exceptions – Brad Wieferich***

Mr. Wieferich provided information on six projects that were **over** the engineer's estimate. A justification memo was provided also for the projects where the low bid exceeded the engineer's estimate by more than ten percent; the Office of Commission Audits (OCA) has reviewed. Pending any questions, Mr. Wieferich asked for approval of Exhibit A-2.

Chair Wyett requested a motion regarding approval of Exhibit A-2. Commissioner Heartwell made a motion to approve and Vice Chair Hayes supported. Chair Wyett led a voice vote; all members present voted in favor; **motion to approve carried.**

- ***Exhibit A-3: Informational for the Commission – Patrick McCarthy***

Mr. McCarthy provided information on one project, for which the bid is under \$500,000 and has less than two bidders or is a low bid rejection or has other bid issues, are being submitted for informational purposes. **No motion required.**

- ***Exhibit A-4: Bid Letting Not Pre-Approved – Patrick McCarthy***

Mr. McCarthy presented one project that was let on January 10, 2020, and did not receive pre-approval by the Commission, and was therefore put on the A-4 for post letting approval. Pending any questions, Mr. McCarthy asked for approval of Exhibit A-4.

Chair Wyett requested a motion regarding approval of Exhibit A-4. Vice Chair Hayes made a motion to approve and Commissioner Yatooma supported. Chair Wyett led a voice vote; all members present voted in favor; **motion to approve carried.**

• ***Exhibit B: Construction Contracts – Jason Gutting***

Mr. Gutting presented information about Exhibit B, which included cost comparison information about contracts that were recently finalized.

- MDOT Projects for October, November, and December
  - 98 projects totaling approximately \$158 million were finalized.
  - 7 projects were more than 10 percent over the original contract amount
  - 43 projects came in under original contract amount
- Final monthly contract costs were respectively 1.11, 5.42, and -3.50 percent when compared to their original contract amount.
- Fiscal year to date is averaging 1.15 percent over original contract amount.
- Local Agency Projects for October, November, and December
  - 87 projects totaling approximately \$72 million were finalized.
  - 5 projects were more than 10 percent over the original contract amount
  - 49 projects came in under original contract amount
- 6 MDOT projects and 9 local agency projects are being presented today.

**No motion required.**

IV. **INFORMATIONAL REPORTS**

- ***Director's Agenda, January 9, 2020 – Patrick McCarthy***
- ***State Administrative Board Agenda, January 14, 2020 – Patrick McCarthy***

The Director's Agenda covers memos of understanding with no dollar amounts, revenue agreements, and small dollar amount agreements. The State Administrative Board (SAB) Agenda covers service contracts in excess of \$250,000 and construction contracts in excess of \$500,000. Some items on the SAB agenda, primarily in the area of construction contracts, have previously been submitted to and approved by STC. These two documents are included in the meeting packet, which is posted on the Commission website, in order to inform the public about all types of MDOT bidding activity. **No motion required.**

V. **PRESENTATIONS**

No presentations.

VI. **PUBLIC COMMENT**

- ***Mike Nystrom – Executive Vice President of Michigan Infrastructure and Transportation Association (MITA)***

Mr. Nystrom wanted to congratulate and thank the commission for doing the citizens' work today. "You did today what we've been hoping the Legislature would do for years now and we hope that they will recognize the work that you've done here.", Mr. Nystrom said to the Commissioners.

- ***Greg Johnson – WSP Parson Brinkerhoff (Retired MDOT employee of 27 years)***

Mr. Johnson congratulated the commission on taking this step in approving the new resolution bond. Mr. Johnson congratulated the Governor, as well, on having a bold vision. Mr. Johnson stated that he's been in Maryland and all around the country seeing what different states are doing and their investment in transportation. And, according to Mr. Johnson, what other states are doing as far as investing in their infrastructure is tremendous. For instance, California, Texas, Florida, and Ohio are putting more money into their roadways, so the New Bond Resolution is a positive step for MDOT but not the final.

Mr. Johnson stated how there's always a talk in the media that MDOT doesn't know how to build roads. But after running Maryland State Highway Administration for a year and a half he saw what they did, Michigan is so far ahead of other states in utilizing technology and in making smart decisions. Mr. Johnson said, "The only reason MDOT system is behind is the money that is not being spent."

Mr. Johnson stated that at the time he was in Maryland they had a system half the size of Michigan, but they were spending twice as much money on their system and it showed.

**VII. ADJOURNMENT**

With no further business being before the Commission, Chair Wyett declared the meeting adjourned at 9:20 a.m.

**VIII. NEXT MEETING**

The next full meeting is Thursday, April 23, 2020 in Lansing, MI.

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Troy Hagon  
Commission Advisor

**JOINT PUBLIC MEETING**  
**of the**  
**MICHIGAN STATE TRANSPORTATION COMMISSION**  
**and the**  
**MICHIGAN AERONAUTICS COMMISSION**

**January 30, 2020, Aeronautics Building, Lansing, Michigan**

**MEETING MINUTES**

**Members Present:** Todd A. Wyett, State Transportation Commission (STC) Chairman  
Michael D. Hayes, STC Vice Chair  
Stephen F. Adamini, STC Commissioner  
Chris J. Yatooma, STC Commissioner  
Helen Zeerip, STC Commissioner  
Roger Salo, Michigan Aeronautics Commission (MAC) Chairman  
Rick Fiddler, MAC Vice Chair  
Russ Kavalhuna, MAC Commissioner  
Kelly Burris, MAC Commissioner  
Dr. Brian Smith, MAC Commissioner  
Laura J. Mester, MAC Commissioner, Michigan Department of  
Transportation Designee  
F/Lt. Brian Bahlau, MAC Commissioner, Michigan State Police Designee  
Brig. Gen. Bryan Teff, MAC Commissioner, Michigan Department of  
Military and Veterans Affairs Designee  
Kevin Jacobs, MAC Commissioner, Michigan Department of Natural  
Resources Designee

**Members Absent:** George K. Heartwell, STC Commissioner

**Also Present:** David Brickey, Attorney General, Transportation Division  
Jack Cotter, Commission Auditor, Office of Commission Audits  
ShuKeyna Thurman, Executive Assistant, Office of Commission Audits  
Michael Trout, MAC Director, Office of Aeronautics  
Bryan Budds, MAC Advisor, Office of Aeronautics  
Alicia Morrison, Executive Assistant, Office of Aeronautics  
Troy Hagon, Office of Governmental Affairs  
Janie Gallimore, Executive Assistant, Office of Governmental Affairs  
Approximately 15 additional attendees, as listed on the attached sign in  
sheet.

**I. WELCOME**

- ***Michigan Aeronautics Commissioner – Roger Salo, Chairman***

MAC Chair Salo welcomed everyone and noted that the joint meeting was being hosted by the MAC this year. He asked all commissioners to introduce themselves and welcomed everyone in attendance.

**II. PRESENTATIONS**

- ***Michigan Department of Transportation Director's Report – Director Paul Ajegba***

MDOT Director Paul Ajegba gave the Commissioners a breakdown of MDOT's fiscal year 2020 enacted budget of \$5.3B, which is as follows:

Local Federal Aid - \$278M	Cities and Villages - \$621.2M
Counties - \$1.1B	State Trunkline - \$1.3B
Local Bridge Program - \$29.1M	Grants to Local Programs - \$33M
Rail Grade Crossing and Surface Improvements - \$6M	

Director Ajegba discussed maintenance investments to support material increases, ancillary structure inspections, non-winter deferred maintenance, and employee economics. He also discussed other capital investments including target industries economic development, rail freight economic development, the Airport Improvement Program, the Rail Grade Separation Project, and building and facilities.

Director Ajegba then presented MDOT's Augmented Program Delivery Plan. He highlighted the goals of having MDOT's people, processes and systems organized, prepared, and aligned to sustainably deliver a capital improvement program two to three times the size of the current program; and MDOT retaining core competencies in engineering, operations, finance, planning, procurement and project management to ensure good stewardship of the public's infrastructure and investments. He then detailed the timeline in which the plan was developed.

Director Ajegba detailed the seven points of focus for the Augmented Program delivery: Policy and Procedures Barriers; Project Management; Long Term Program Management; People First; Risk Mitigation and Resources; Consultants, Contractors and Contracts; and Communications. He discussed the focus and intended outcome of each category.

Director Ajegba concluded by noting this is a living plan which may be modified moving forward, based on process improvements and outcomes, regardless of funding levels. Progress of the plan will be monitored at monthly Leadership Team meetings and reported to the Commissions, as requested.

MAC Chair Salo asked what effect the bond proposal would have on Michigan's economy overall. He stated no full study has been done yet in terms of real dollars, but now that the bond amount had been determined and approved, this would be looked at and would be expected to have a favorable outcome.

- ***Office of Aeronautics Report – Michael Trout***

MAC Director Mike Trout gave an update on unmanned aircraft systems (UAS) in Michigan. He stated the UAS Task Force will meet again in April. The Task Force continues to make and review recommendations for UAS use and development. Mr. Trout stated the Federal Aviation Administration (FAA) had issued a Notice of Proposed Rulemaking (NPRM) for Remote Identification and Tracking of UAS. He also noted MDOT Office of Aeronautics will be conducting UAS Training for state employees, February 24-26. Currently, there are approximately 40 people registered to attend.

STC Commissioner Zeerip asked what was being done in terms of security and terrorist prevention with relation to UAS. Mr. Trout responded that this was being explored by the Task Force. MAC Commissioner Bahlau, representing the Michigan State Police (MSP), added that the NPRM for Remote ID Tracking was a great first step in identifying threats.



Both the UAS Task Force and MSP are currently working with the FAA and Federal Government on this issue.

Mr. Trout updated the Commissioners on the Michigan PFAS Action Response Team (MPART) and PFAS activities in the state. He gave a brief history of MPART's formation and MDOT's designees. He identified major activities of the team, which include identifying airports utilizing firefighting foams, coordinating with federal agencies on regulatory changes to prevent PFAS exposure, and the establishment of a \$400,000 grant program to acquire the E-one Ecologic System. Currently, MPART is planning for the deployment of a \$4,000,000 airport sampling program.

Mr. Trout concluded his presentation highlighting aeronautic upcoming and recent events.

- Women's Aviation Career Symposium, January 25;
  - Michigan Airport Conference, February 19-20;
  - AASHTO/NASAO Washington Briefing, February 25-28.
- ***Gerald R. Ford International Airport Authority Update: GRR Soaring Higher – Tory Richardson, A.A.E., President and Chief Executive Officer***

Mr. Tory Richardson presented an update on the Gerald R. Ford International Airport. He presented statistics on the airport, who their primary customers are, and what geographic locations are serviced by the airport.

Mr. Richardson discussed the multi-phased gateway expansion, as well as the terminal apron reconstruction, which held its ribbon cutting ceremony in December 2019.

Mr. Richardson concluded with statistics on the growth rate in annual passengers for the airport, as well as plans for future concourse A expansion, future federal inspection station redesign, and recent operational improvements for snow removal.

MAC Commissioner Kavalhuna questioned the development of the federal inspection station and whether GRR met the requirements. Mr. Richardson stated preliminary conversations were being held. Commissioner Kavalhuna then asked if he could elaborate on the plans for a new Active Traffic Control Tower. Mr. Richardson responded that discussion with FAA were happening and GRR is on the list. Commissioner Kavalhuna thanked Mr. Richardson for providing the information.

### III. **PUBLIC COMMENTS**

MAC Chair Salo asked if anyone would like to make a public comment. There were no public comments made.

### IV. **ADJOURNMENT OF JOINT MEETING**

With no further business being before both commissions, MAC Chair Roger Salo declared this meeting adjourned at 11:22 a.m.

### V. **REGULAR PUBLIC MEETINGS OF BOTH COMMISSIONS**

- The STC met in the auditorium prior to this meeting, their minutes can be found at

[www.michigan.gov/transcommission](http://www.michigan.gov/transcommission).

- The MAC met in the Commission Conference Room prior to this meeting, their minutes can be found at [www.michigan.gov/aero](http://www.michigan.gov/aero).

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Roger Salo, Commission Chairman  
Michigan Aeronautics Commission

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Michael G. Trout, Director  
Michigan Aeronautics Commission

Dated: \_\_\_\_\_

DRAFT

Roger A. Belknap, MDOT  
TAMC Support Division  
Van Wagoner Building  
425 West Ottawa Street  
P.O. Box 30050  
Lansing MI 48909

February 11, 2020

Dear Mr. Belknap,

The Michigan Municipal League reappoints Gary Mekjian to the Michigan Transportation Asset Management Council. If you have any questions, please feel free to contact me at 734-669-6301.

Sincerely,



Daniel P Gilmartin  
Executive Director & CEO

cc. Gary Mekjian  
John LaMacchia





STATE OF MICHIGAN

GRETCHEN WHITMER  
GOVERNOR

JOANNA I. JOHNSON  
CHAIR



Michigan  
Transportation Asset  
Management Council

April 30, 2020

Dear Members of the Michigan House of Representatives/ Senate/ State Transportation Commission/ Infrastructure Council:

It is our pleasure to submit to you Michigan's 2019 Roads and Bridges Annual Report from the Michigan Transportation Asset Management Council (TAMC). MCL 247.659a (9) requires the TAMC to file an annual report with the Legislature, State Transportation Commission and Michigan Infrastructure Council by May 2 of each year. We understand this report comes at a difficult time due to the coronavirus disease 2019. However, it remains important the TAMC's efforts and that of our partner agencies in the continued infrastructure data collection and analysis of 2019 is shared.

During 2019, the TAMC rated the condition of the paved federal-aid eligible roads for the fifteenth consecutive year. This data collection included 51,880 lane miles of paved roads in Michigan, including State Freeways and Highways, City Major Streets and County Primary Roads. This effort was achieved through a cooperative effort of individuals from county road agencies, city and village, the Michigan Department of Transportation (MDOT), regional planning agencies, and metropolitan planning organizations. In addition, the TAMC also collected pavement conditions on 24,320 lane miles of Michigan's non-federal aid eligible roads. The TAMC also reports on the condition of the 11,000 public bridges within our state.

TAMC would also like to inform you that enhancements have been made to the TAMC online Interactive Map. Our interactive maps now feature a summary reporting of pavement conditions by Michigan's House and Senate districts. TAMC has also updated the Performance Dashboards to provide the latest summary information on the condition of Michigan's Roads and Bridges. These dashboards, along with other similar resources can be found online at [www.Michigan.gov/TAMC](http://www.Michigan.gov/TAMC).

The TAMC approved this report on April 15, 2020. We ask that you please take the time to review this report and we would be happy to respond to any questions. We look forward to presenting this report to each of you in the future.

Sincerely,

Joanna I. Johnson, Chair  
Michigan Transportation Asset Management Council

Joanna Johnson, Chair – William McEntee, Vice Chair – Derek Bradshaw – Christopher Bolt – Gary Mekjian  
Bob Slattery – Jonathan Start – Rob Surber – Jennifer Tubbs – Brad Wieferich – Todd White





# MICHIGAN'S 2019 Roads & Bridges ANNUAL REPORT



Michigan  
Transportation Asset  
Management Council

# ACRONYMS AND ABBREVIATIONS

**Any reference to Act 51 in this document refers to Public Act 51 of 1951, as amended.**

ADARS: Act-51 Distribution and Reporting System

APWA: American Public Works Association

BCFS: Bridge Condition Forecasting System

CPM: Capital Preventive Maintenance

CRA: County Road Association (of Michigan)

CSS: Center for Shared Solutions (DTMB)

CTT: Center for Training and Technology (MTU)

DTMB: Department of Technology, Management and Budget

EGL: Department of Environment, Great Lakes, and Energy

FHWA: Federal Highway Administration

FAST: Fixing America's Surface Transportation Act

IBR: Inventory Based Rating (Gravel Roads)

IRT: Investment Reporting Tool

MAC: Michigan Association of Counties

MAR: Michigan Association of Regions

MDNR: Michigan Department of Natural Resources

MDOT: Michigan Department of Transportation

MIC: Michigan Infrastructure Council

MML: Michigan Municipal League

MPO: Metropolitan Planning Organization

MTA: Michigan Township Association

MTPA: Michigan Transportation Planning Association

MTU: Michigan Technological University

NBI: National Bridge Inventory

NBIS: National Bridge Inspection Standards

NFC: National Functional Classification

NHS: National Highway System

PASER: Pavement Surface Evaluation and Rating

RPA: Regional Planning Agency

STIP: State Transportation Improvement Program

TAMC: Transportation Asset Management Council

TAMP: Transportation Asset Management Plan

WAMC: Water Asset Management Council

**TAMC was created by Public Act (PA) 499 of 2002**

**To act as a resource for independent objective data on the condition of Michigan's roads and bridges and a resource for implementing the concepts of asset management.**

# TRANSPORTATION ASSET MANAGEMENT COUNCIL (TAMC)

## A Special Thanks:

### CSS

John Clark  
Clint Crick

Cheryl Granger  
Jeri Kaminski

### MDOT

Jacob Armour  
Roger Belknap  
Keith Cooper  
Eric Costa  
Beckie Curtis

Jesus Esparza  
Mayah Hanson  
Dave Jennett  
Matt Moulton  
Gloria Strong

### MTU

Tim Colling

Chris Gilbertson



## TAMC members for 2019 and the organizations they represent:

**Joanna Johnson (TAMC Chair)**, County Road Association of Michigan

**William McEntee (TAMC Vice-Chair)**, County Road Association of Michigan

**Derek Bradshaw**, Michigan Association of Regions

**Christopher Bolt, P.E.**, Michigan Association of Counties

**Gary Mekjian, P.E.**, Michigan Municipal League

**Bob Slattery Jr.**, Michigan Municipal League

**Jonathan Start**, Michigan Transportation Planning Association

**Rob Surber**, Michigan Department of Technology, Management  
and Budget (Non-Voting)

**Jennifer Tubbs**, Michigan Townships Association

**Brad Wieferich, P.E.**, Michigan Department of Transportation

**Todd White**, Michigan Department of Transportation

For added background on TAMC, its members and its related  
legislation, please visit the *About Us* section on the TAMC website at:

**[www.Michigan.gov/TAMC](http://www.Michigan.gov/TAMC)**

## To develop and support excellence in managing Michigan's transportation assets by:

- Advising the Legislature,  
the Michigan Infrastructure Council (MIC),  
State Transportation Commission,  
and transportation committees.
- Promote asset management principles.
- Provide tools and practices for road agencies.
- Collaborate and coordinate with the  
Water Asset Management Council (WAMC).



# INTRODUCTION

2019 was a very active year, from continued collection of road and bridge data, to new efforts related to developing training material for the 2018 legislation requiring larger road agencies to submit transportation asset management plans starting in 2020.

## Major takeaways from 2019:

### Transportation Asset Management Plans (TAMP) –

New legislation from 2018 drove TAMC efforts to provide new support and training for agencies to create their own TAMPs.  
(See 2019 Year in Review)

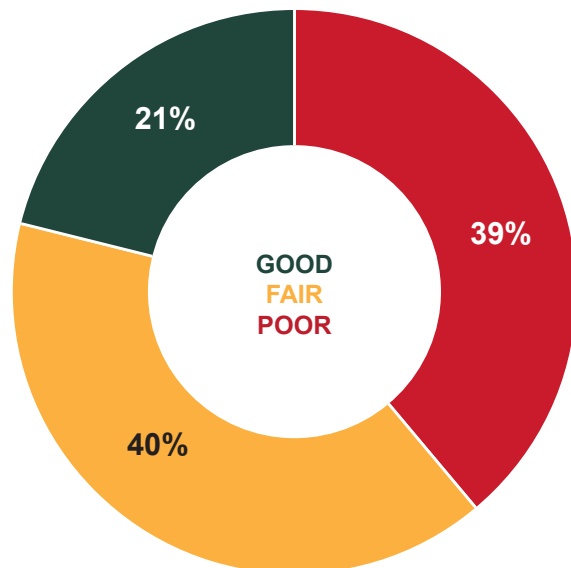
**Roads** – Poor condition pavements are still close to 40% for federal-aid roads and 50% for non-federal-aid roads.  
(See 2019 Road Condition)

**Investment Reporting** – Using data collected from the 617 road agencies, average costs for road and bridge projects are shown to assist in investment strategy discussions.  
(See Investment Reporting)

**Bridges** – A category of “Severe” has been added to show Bridges in Poor condition that are at a higher risk and risk being closed.  
(See 2019 Bridge Condition)

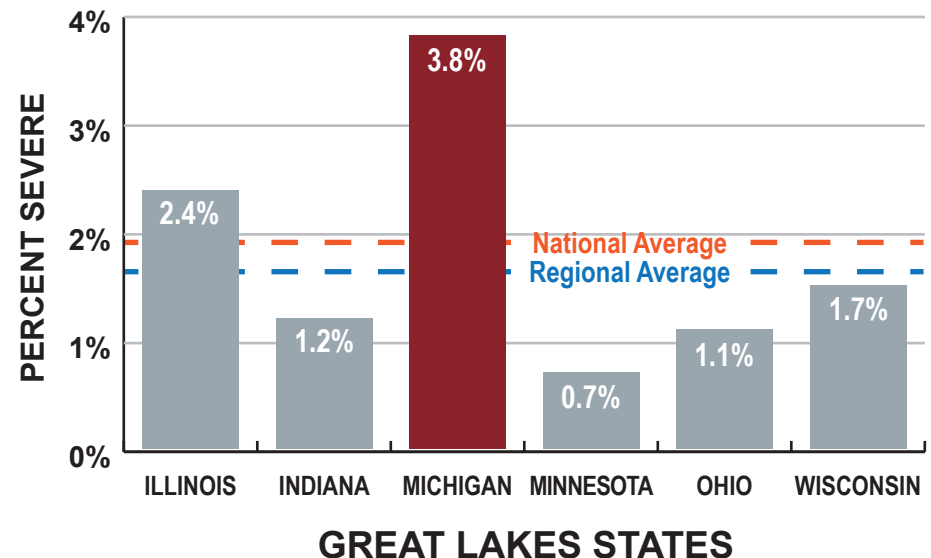
## 2018 - 2019 Federal-Aid Pavement Condition

Percent Lane Miles



## 2019 Percent Severe Bridges

NBI 3 or Less





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# 2019 YEAR IN REVIEW





# TAMC Highlights and Accomplishments

In 2019, TAMC expanded both its partnerships and its core functions. TAMC's reporting tools and transparency efforts are some of the core functions that were enhanced over the year. TAMC also continues to provide valuable training and education opportunities to maintain quality data and collection standards. One of the biggest efforts was the result of changes to Act 51, which now requires Transportation Asset Management Plans for Michigan's larger road agencies.

## Culvert Pilot Receives APWA National Award

The efforts from 2018 TAMC Michigan Local Agency Culvert Inventory Pilot won the 2019 National American Public Works Association (APWA) Government Corporation Award. This pilot project involved TAMC, MTU/CTT and 49 local agencies. Their efforts located nearly 50,000 culverts statewide in a 13 week time frame.

## Conference Partnerships

In 2019, TAMC partnered with APWA for the second year in a row to host its Spring Conference in Gaylord, Michigan. The conference offered many opportunities for peer exchange and broaden the conference as a whole. The Fall Conference held in Marquette, Michigan offered a new opportunity to partner with the Michigan Infrastructure Council (MIC) and the Central Upper Peninsula Planning and Development Regional Commission (CUPPAD) at their Regional Asset Management Summit, which was held at the same venue.

To learn more on these conference including copies of all the presentations please visit:  
<https://ctt.mtu.edu/asset-management-resources>



Photos (top to bottom):  
Fall Conference Houghton County Flood Panel,  
APWA Award Winners, and Joint Spring Conference.



## Training, Work Program and Budget Overview

Figure 1 shows the numerous training and outreach efforts that are all part of the TAMC work program. TAMC FY2019 Budget is shown in Figure 2 with a breakdown of all program area expenses.

Note: Administrative staff is provided by MDOT and not included in the TAMC budget.

To learn more about the TAMC Work Program and Training Opportunities please visit: [www.Michigan.gov/TAMC/0,7308,7-356-82161---,00.html](http://www.Michigan.gov/TAMC/0,7308,7-356-82161---,00.html)

MTU/CTT - Training Programs	Training Events	Number of Participants
Asset Management Conferences	2	166
PASER Training	10 (and 5 webinars)	545
Asset Management for Elected Local Officials	5	110
Bridge Asset Management Workshop	3 (and 4 webinars)	36
Inventory Based Rating (IBR)	3	194
Paved Asset Management Plan Workshop	4	76
PA 325 Overview Webinar	2	83
AM Compliance Plan Webinar	4	91
<i>Figures provided by MTU's 2019 Training Report</i>	<b>Total:</b>	<b>33</b>
		<b>1301</b>
DTMB/CSS - Training Programs	Training Events	Number of Participants
IRT Training	5 (and 3 webinars)	114

Figure 1  
Source: TAMC 2019

FY2019 Budget Overview	
Regional Program and Data Collection	\$1,116,400
Central Data Agency and Technology	\$380,000
Training and Educational Activities	\$350,000
Council Expenses	\$30,000
<b>Total:</b>	<b>\$1,876,400</b>

Figure 2  
Source: TAMC 2019



# Transportation Asset Management Plans (TAMP)

2019 included many discussions and efforts tied to PA 325 of 2018. This legislation requires local agencies with 100 or more miles of certified roads to submit a TAMP according to a schedule with the first round of plans due October 1, 2020.

The TAMP must include:

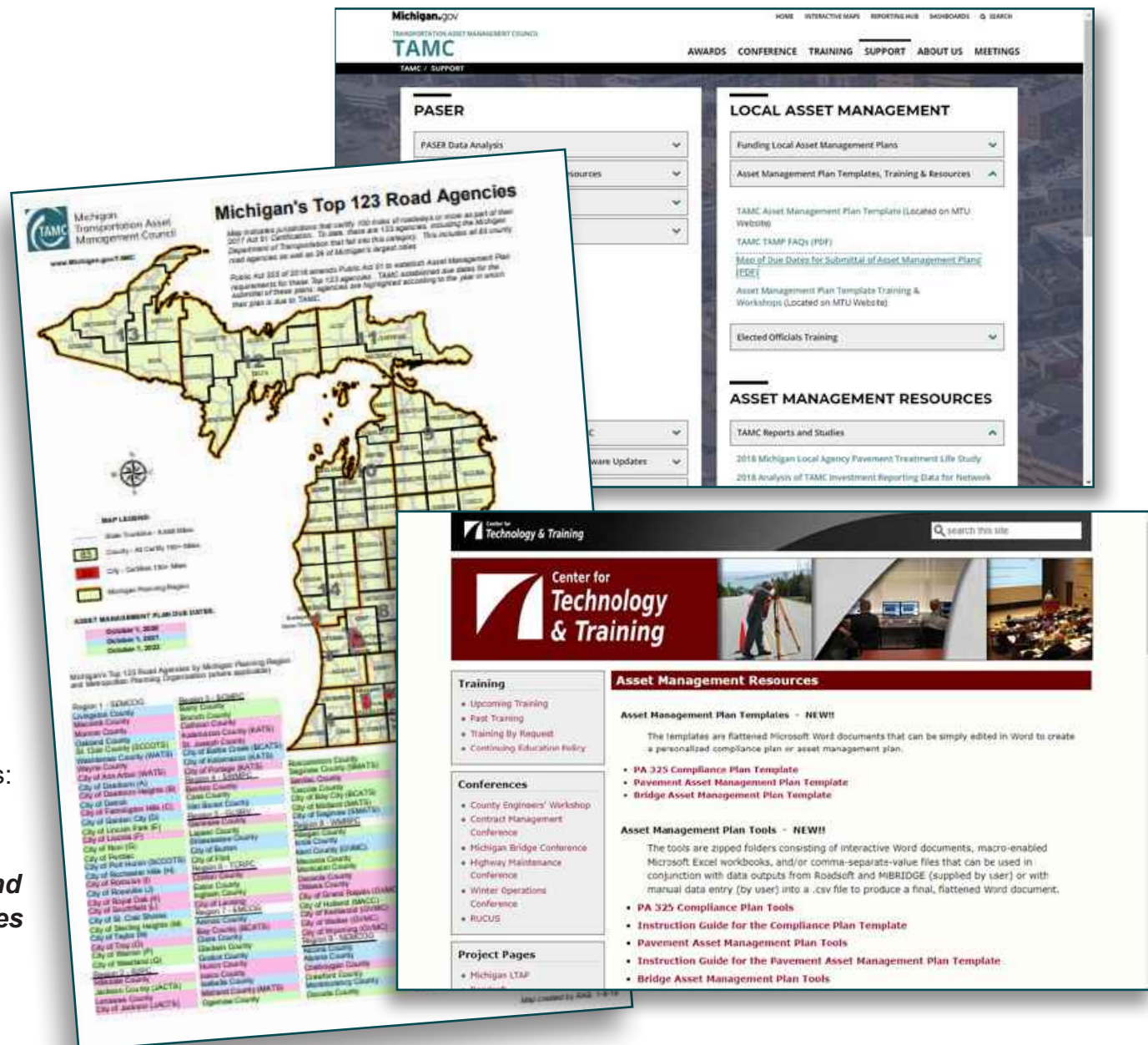
1. Asset Inventory
2. Performance Goals
3. Risk of Failure Analysis
4. Anticipated Revenue and Expenditures
5. Performance Outcomes
6. Coordination Clause
7. Proof of Adoption by Governing Body

TAMC has created resources and training opportunities to assist in this new process, including a template that utilizes an agency's previous data collection efforts and dashboard summaries. The IRT was also enhanced to help support this new requirement.

To learn more about this new requirement and available resources:

## TAMP FAQs

## TAMP Training and Asset Management Resources



# TAMC Website, Interactive Map and Dashboards

## Website

The TAMC website is the best resource for information on the condition of the statewide road and bridge system. TAMC provides multiple websites that serve as resources for anyone looking for information on the condition of the road and bridge system and other related efforts. The website provides access to data collected, training opportunities, upcoming meetings, and TAMC policies.

New areas include updates on the TAMC annual conferences and awards program for organizations and individuals striving to implement asset management.

The Support area provides additional resources and contact information for asset management, pilot projects, new legislative developments, and data research studies.

Please check out the TAMC website at [www.Michigan.gov/TAMC](http://www.Michigan.gov/TAMC) and sign up for the **Gov Delivery** to stay connected to any future updates.

The screenshot displays the Michigan.gov TAMC website. The top navigation bar includes links for HOME, INTERACTIVE MAPS, REPORTING TOOL, DASHBOARDS, and LOGIN. The main content area is divided into several sections:

- Preserving Roads & Bridges:** A section highlighting the Michigan Transportation Asset Management Council (TAMC) as a resource for independent, objective data on the condition of Michigan's roads and bridges.
- Interactive Maps:** A section with a link to "Create an up-to-date road and bridge condition map."
- Reporting Tools:** A section with a link to "Investment Reporting Tool (I) Distribution and Reporting (AGARS), Non-Transportation Federal."
- Training:** A section with a link to "Sponsored training, support and education programs."
- NEWS:** A section with a link to "TAMC Announces 2020 PAVE Training and Data Collection."
- Dashboards:** A section with a link to "Dashboards."

The **Awards** section is also visible, featuring the **TAMC AWARDS PROGRAM** and a list of **TAMC Awards 2009-2019 Recipients**. The **Dashboards** section includes a brief description of the dashboards and a grid of six images representing different aspects of road and bridge management:

- Pavement:** A close-up view of a road surface.
- Bridge:** A view of a large bridge structure.
- Traffic:** A view of a busy highway with multiple lanes.
- Safety:** A view of a road with a "ROAD AHEAD" sign.
- Maintenance:** A view of a worker in a safety vest performing maintenance on a road.
- Finance:** A view of a stack of US dollar bills.



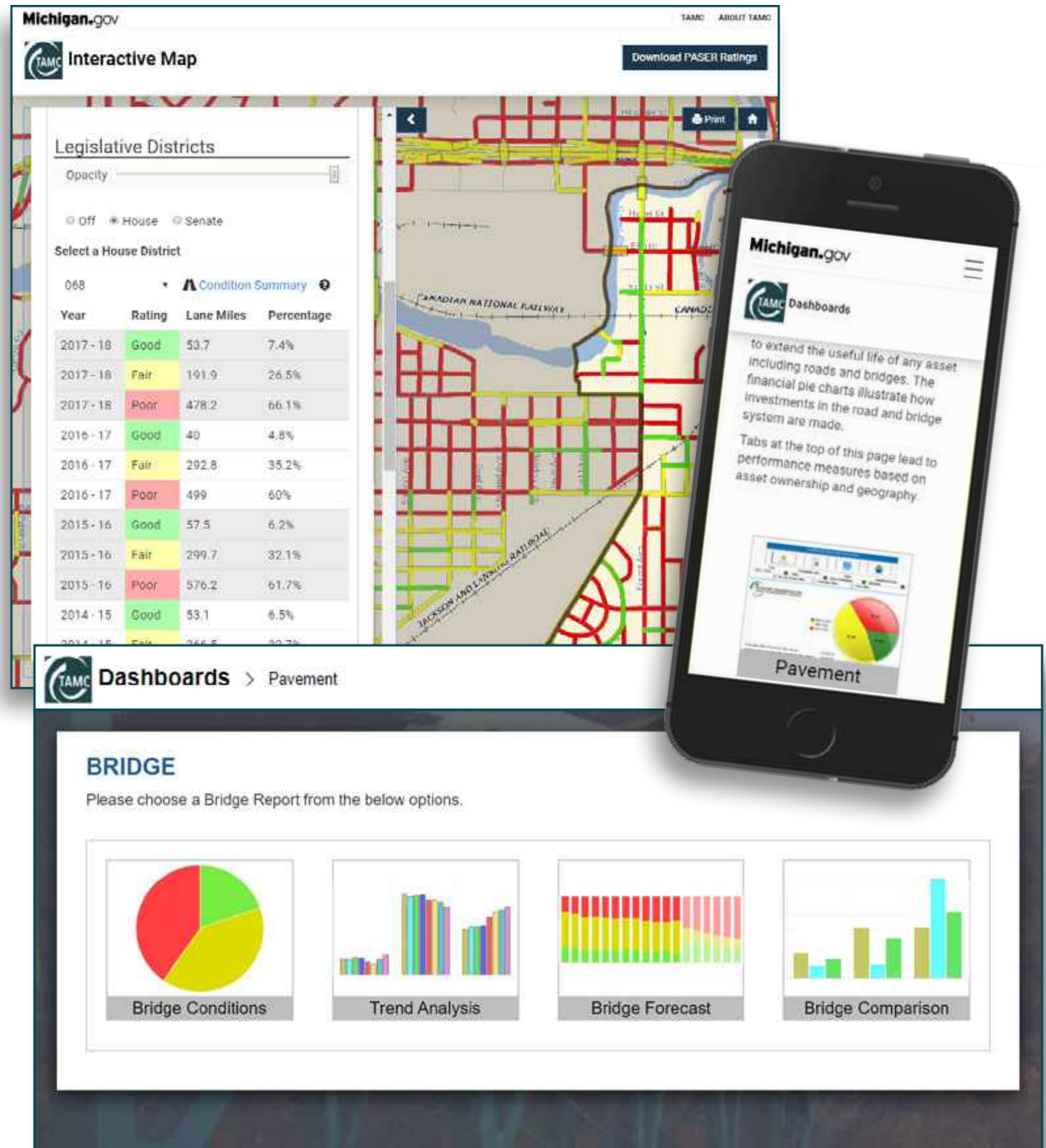
## Interactive Map

TAMC maintains a public interactive map that has road and bridge conditions statewide and at a local level that are updated in May of each year. The interactive map is fully mobile and offers ease of use similar to Google maps. This is one of TAMC's main transparency efforts with numerous features to assist with seeing past trends and future coordination of infrastructure improvement. It can be used for outreach efforts, data access or planning presentations.

## Performance Measure Dashboards

The TAMC Dashboards provide another tool for the public to view numerous data sets in summary format and visual infographics. These fully support the mobile community and can be pulled up on a laptop, tablet or phone. These tools are free to be incorporated into agencies' websites to provide greater access and meet certain requirements rather than agencies having to create them on their own.

Information is available to see local or statewide data sets or customized by the type of road or bridge and planning organizations. The dashboards also provide financial, traffic and safety information. Click on each graphic for direct hyperlinks to the specific Performance Measure Dashboard.



## Pavement Condition and Comparison Dashboards

These two dashboards are based on PASER ratings for all state trunklines as well as roads under the jurisdiction of Michigan's counties, cities and villages. These dashboards illustrate past and present conditions and future forecast trends. The Pavement Comparison Dashboard provides the user with the ability to compare up to eight road owning agencies current road conditions at one time.

## Bridge Condition and Comparison Dashboards

Bridge conditions are based on bi-annual inspections of over 11,000 state, county, city and village owned bridges. These two dashboards illustrate bridge conditions and trends and provides the user with the ability to compare system performance for up to eight bridge-owning agencies at one time.

## Traffic Dashboard

Traffic volumes are a measure of both road use and how effectively the road system is performing. This dashboard shows estimated annual miles of travel on Michigan's roads as well as a comparison of the relative sizes (in centerline miles) of portions of Michigan's road network.

## Safety Dashboard

The rate of crashes (fatalities, serious injuries) is a measure of how effectively the road system is performing in safety. This dashboard was designed using federal performance metrics.

## Maintenance Dashboard

This dashboard provides a county by county comparison of winter maintenance expenses that are necessary to keep roads and bridges performing during winter maintenance operations.

## Finance - Revenues and Expenditures Dashboards

These dashboards illustrate how Michigan's road agencies are investing in the roads and bridges they own, along with the revenues received by each agency.

Act 51 requires that each county road agency maintain a website that includes a financial performance dashboard with information on revenues, expenditures and unfunded liabilities. Adding a link to the TAMC website meets those requirements.









# 2019 ROAD CONDITION





Beginning in 2003, MDOT, county, regional, and metropolitan planning agencies joined together to determine the condition of Michigan's paved federal-aid roads, which account for about 1/3 of Michigan roads and carries over 95% of the traffic. Under the direction of TAMC, Pavement Surface Evaluation and Rating (PASER) was the measure chosen to identify the condition of pavements. Road professionals evaluate surface condition on a 1-10 scale, which is then consolidated into three categories: good, fair, and poor.

PASER Condition Ratings		
8-10	Good Condition	Routine maintenance candidate.
5-7	Fair Condition	Preventative maintenance or rehabilitation candidate.
1-4	Poor Condition	Rehabilitation or reconstruction candidate.

As shown in Figure 3, in 2019, 39% of all paved federal-aid roads or 33,000 lane miles are in poor condition. Given the current rate of road deterioration, the proportion of roads in poor condition will remain close to 40% until significant increases in investment are made.

## Paved Federal-Aid Road Condition

2010-2019

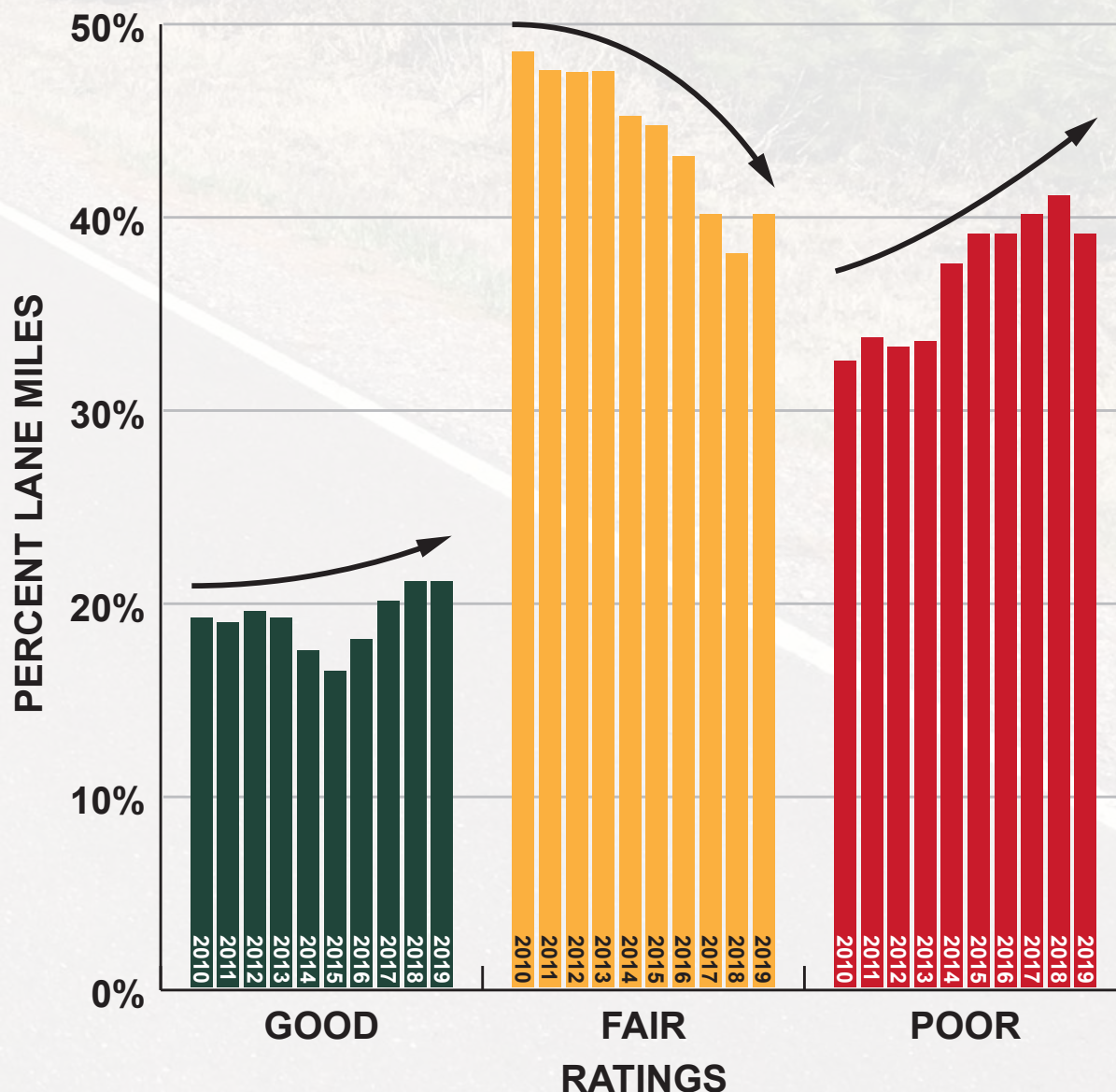


Figure 3

Source: 2010-2019 PASER Data Collection

# 2018 - 2019 Federal-Aid Pavement Condition

Percent Lane Miles

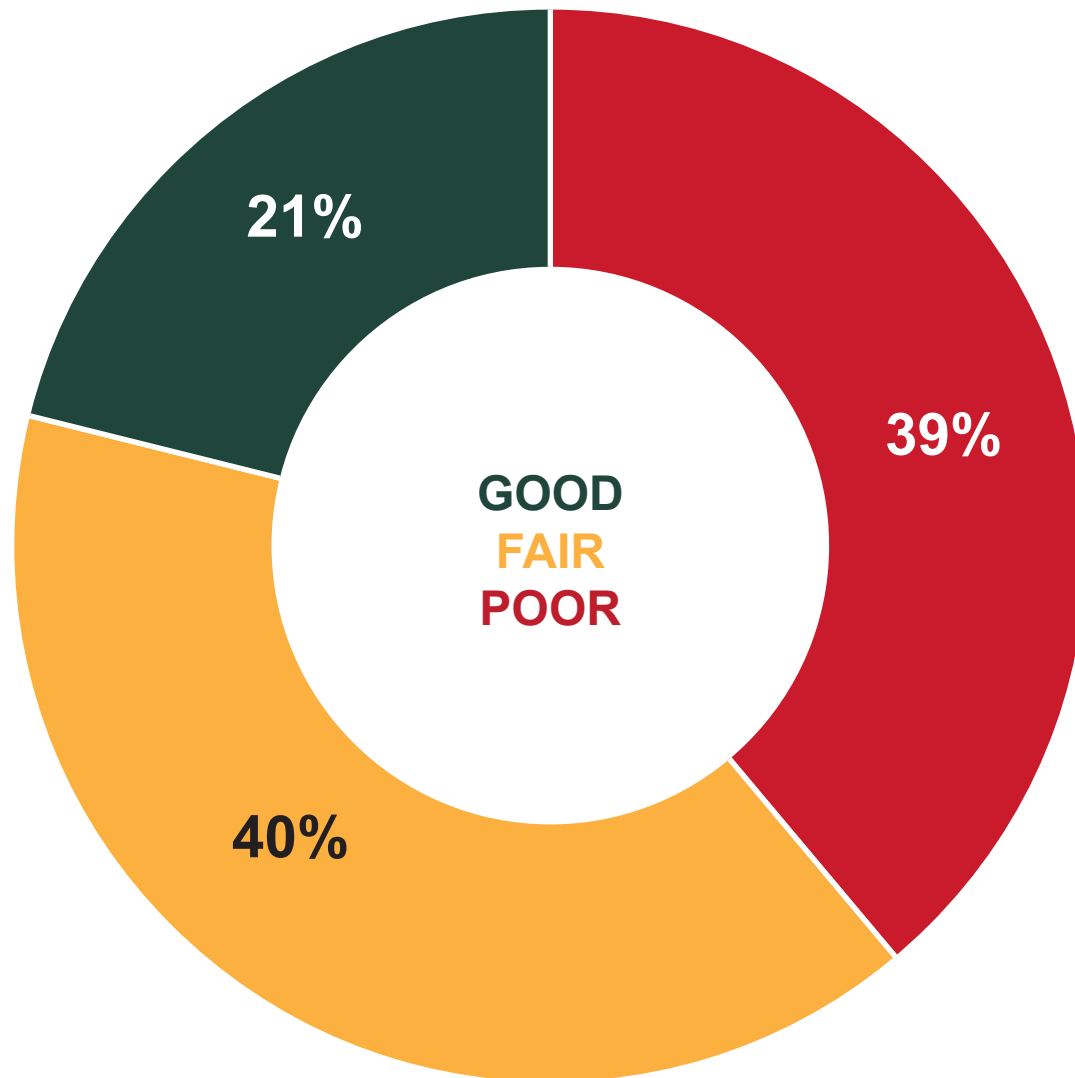


Figure 4

Source: 2018-2019 PASER Data Collection

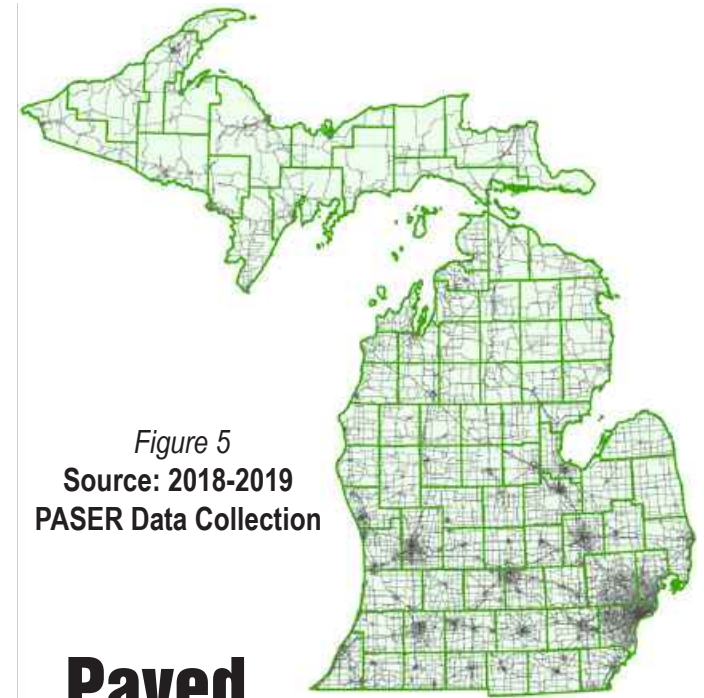


Figure 5

Source: 2018-2019  
PASER Data Collection

## Paved Federal-Aid Roads

Road agencies report on the condition of all paved federal-aid roads over the course of two years. Figure 5 is a map showing roads rated in 2018 and 2019. About 60% of the 88,000 lane miles were collected in 2019 and the remaining 40% were collected in 2018.

Figure 4 shows a composite of those lane miles. 39% of Michigan's lane miles are now in poor condition. In 2019, close to 900 lane miles (2 percent) transitioned from poor to a fair condition. However, the majority of these improvements can be attributed to short term fixes rather than long term solutions.

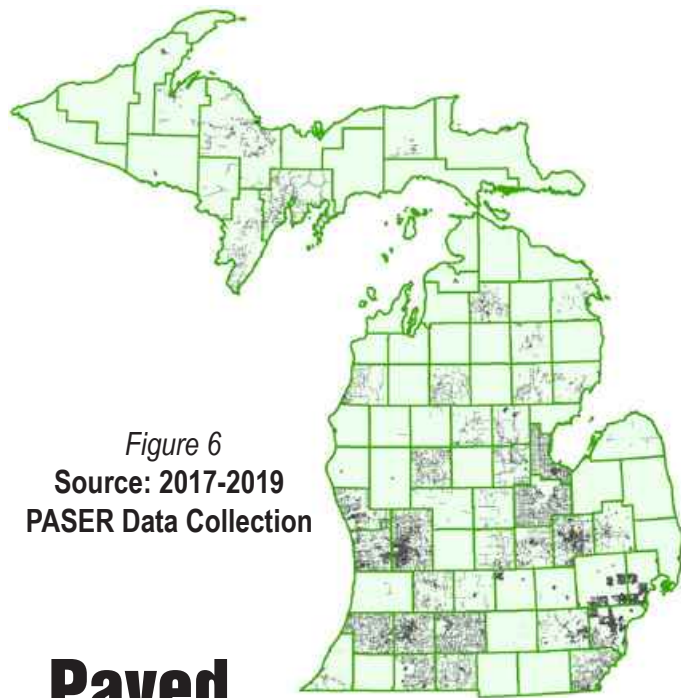


Figure 6  
Source: 2017-2019  
PASER Data Collection

## Paved Non-Federal-Aid Roads

There are over 165,000 lane miles of non-federal-aid roads in Michigan. The federal government classifies these roads as being “Local Roads.” Each year, many road agencies choose to rate some or all their paved non-federal-aid roads.

The ratings are typically done on a 3-year cycle. Figure 6 shows from 2017-2019, close to 300 agencies reported ratings on 45,329 miles. Over 50% of these roads were found to be in poor condition as seen in Figure 7. Agencies use ratings on both federal-aid and non-federal-aid roads to help manage their road network.

## 2017 - 2019 Non-Federal-Aid Pavement Condition

Percent Lane Miles

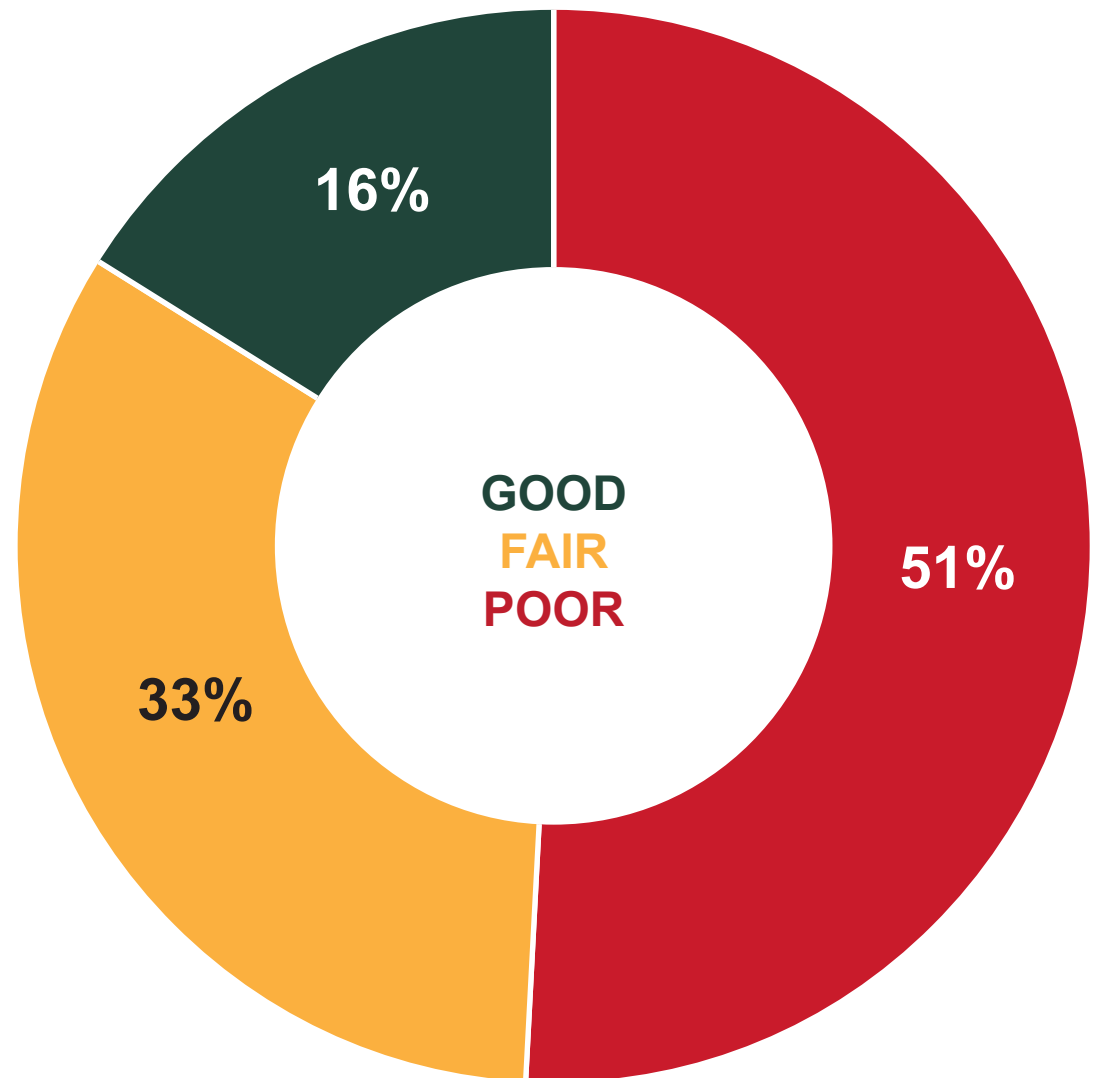


Figure 7  
Source: 2017-2019 PASER Data Collection



# Pavement Cycle of Life

Federal-Aid Network 2016-2019

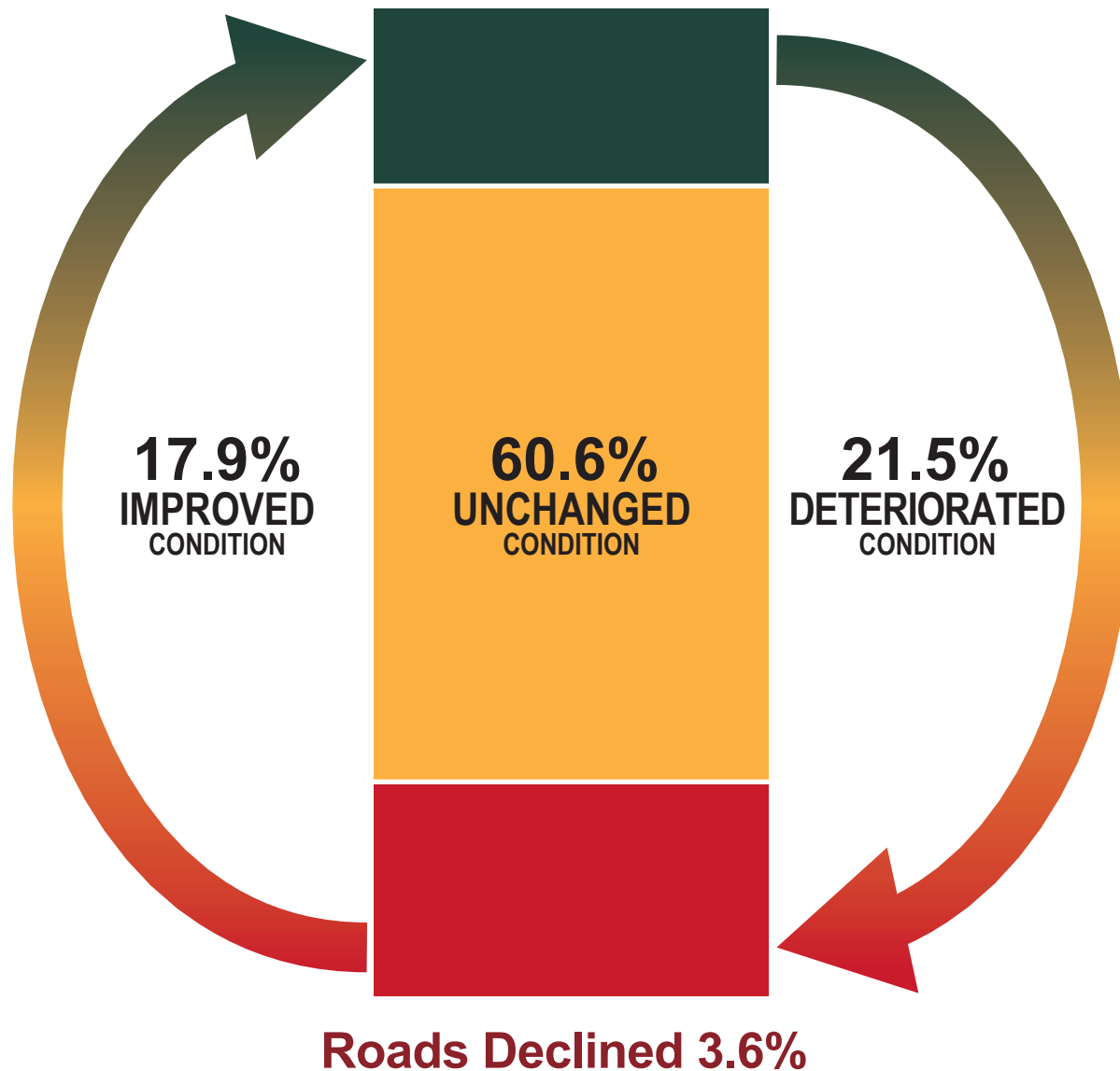


Figure 8

Source: 2016-2019 PASER Data Collection

# Pavement Cycle of Life

Every year, TAMC analysts examine the pavement data to determine the extent to which roads are improved or deteriorate over a 4-year span. This effort tracks how roads change from between the good, fair, and poor ratings and is referenced as the Pavement Cycle of Life.

Figure 8 shows 3.6% more pavements have deteriorated than have been improved between 2016-2019. This continues a trend since 2005.

In simplified terms, the number of potholes continues to outpace the ability to fill them.



# Pavement Condition Forecast

Working from current pavement condition (PASER), road deterioration rates, project costs, expected inflation, revenues and fix strategies, the Pavement Condition Forecasting System (PCFS) estimates the future condition of pavements.

Figure 9 indicates that in the next 12 years there will be an increase in the percent of roads in good condition and decrease in the percent of roads in fair condition.

These changes are attributed to:

- Increased Investment – An additional \$575M on the local system over the next 10 years from the projected growth of the MTF distribution to local agencies.
- Investment Strategy – Local road agencies are investing more in CPM and rehabilitation projects which helps improve roads in fair condition to good condition, and prevents more roads falling into poor condition.

However, Figure 9 also indicates without additional investment, the percent of roads in poor condition will remain around 40% for the foreseeable future.



## Pavement Condition Forecast

2021-2031

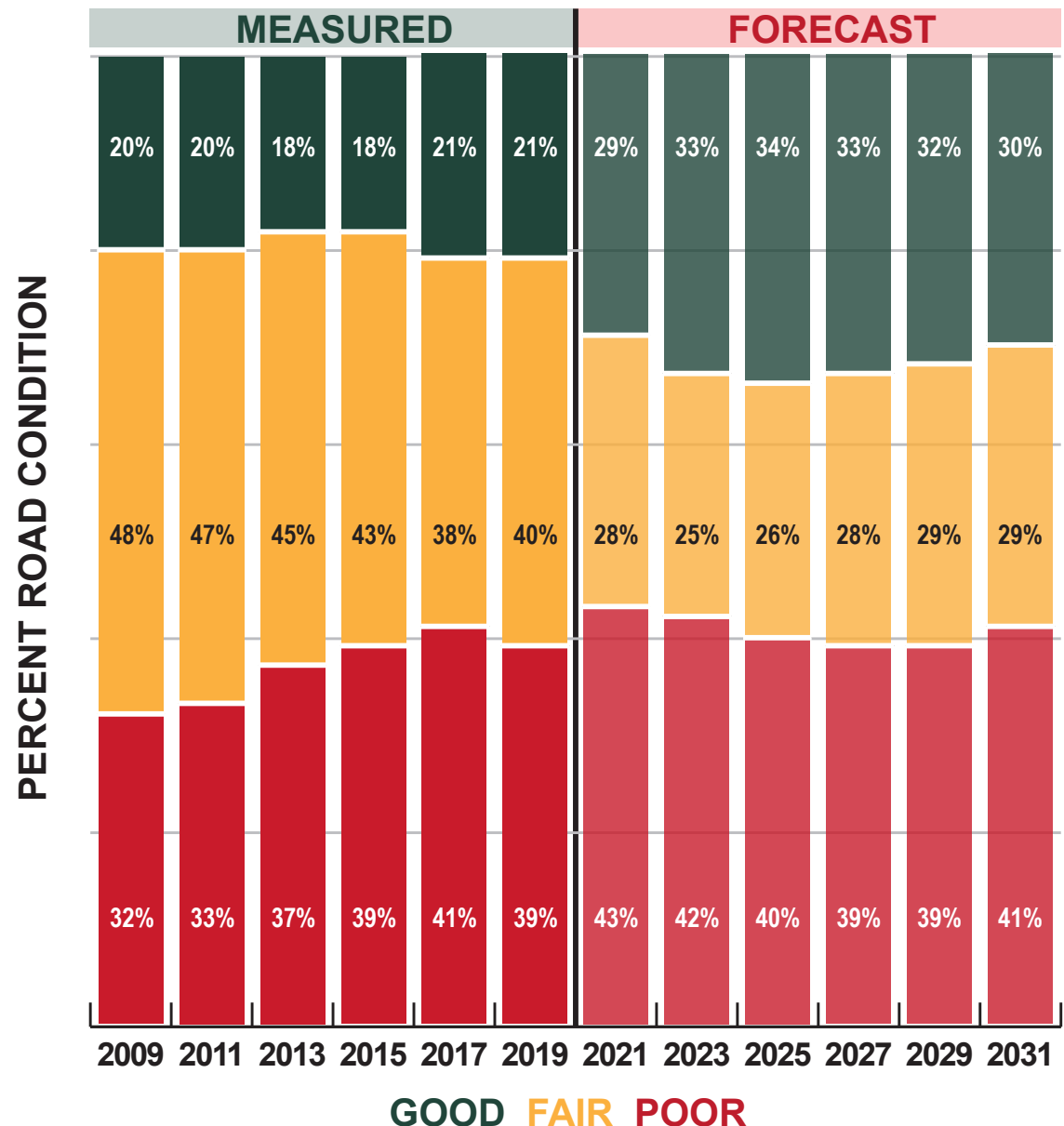


Figure 9

Source: 2020 TAMC

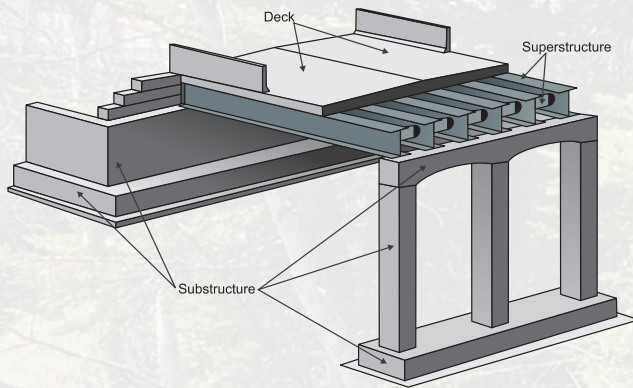


# 2019 BRIDGE CONDITION





The National Bridge Inspection Standards (NBIS) define a bridge as a structure carrying traffic with a span greater than 20 feet. Condition ratings are based on a 0-9 scale and assigned for each culvert, or the deck, superstructure, and substructure of each bridge. These ratings are recorded in the National Bridge Inventory (NBI) database..



As shown in Figure 10, in 2019 over 1200 bridges or 11% of NBI structures are in poor condition. Given the current rate of bridge deterioration, bridges in poor condition will continue to increase until significant increases in investment are made.

# Statewide Bridge Condition

2010-2019

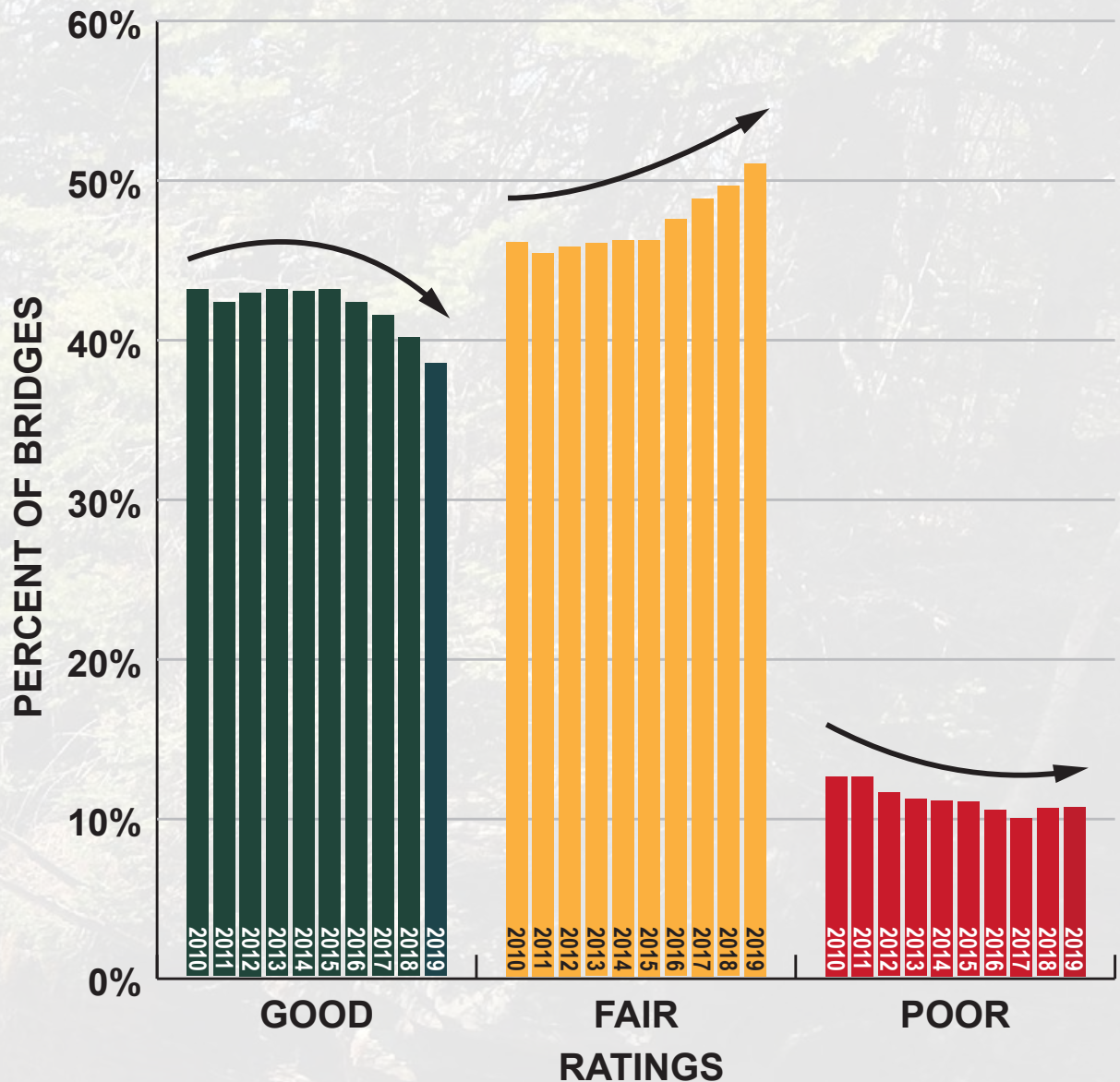


Figure 10

Source: 2010-2019 Michigan Bridge Inventory



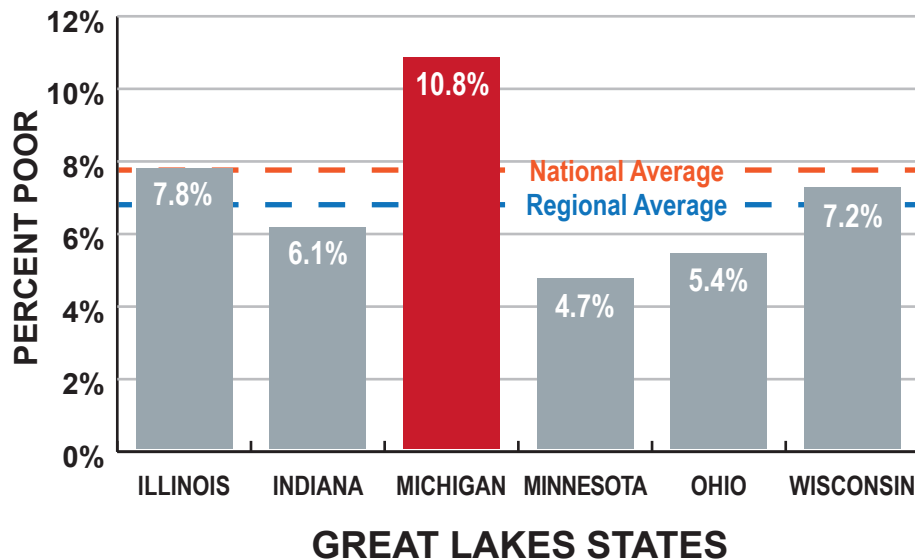
## Comparing Bridge Condition

Michigan lags behind its neighboring Great Lakes States in terms of bridge condition. As seen in Figure 11, Michigan has the highest percentage of poor bridges in the Great Lakes Region, and also has significantly more poor bridges than the national average. More concerning, when measuring the bridges in Severe Condition, or those requiring additional monitoring, immediate action, or at risk of closure, Michigan has double the percentage of bridges with NBI ratings of 3 or less.

NBI Condition Ratings		
7-9	Good Condition	Routine maintenance candidate.
5-6	Fair Condition	Preventative maintenance or minor rehabilitation candidate.
4	Poor Condition	Major rehabilitation or replacement candidate.
2-3	Severe Condition	Emergency repair, high priority major rehabilitation or replacement candidate. Unless closely monitored it may be necessary to close until corrective action can be taken.
0-1		Major rehabilitation or replacement candidate. Bridge is closed to traffic.

### 2019 Percent Poor Bridges

NBI 4 or Less



### 2019 Percent Severe Bridges

NBI 3 or Less

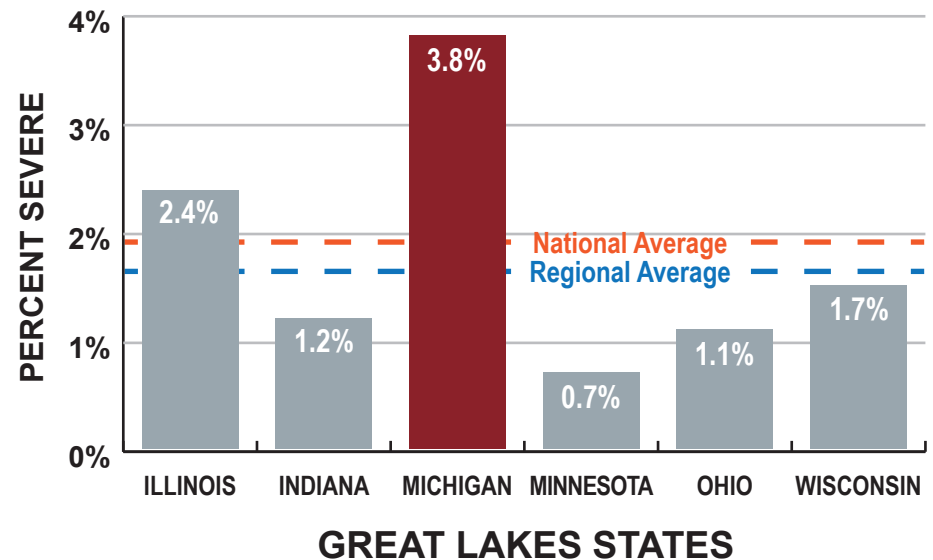


Figure 11

Source: 2019 National Bridge Inventory



# Trunkline Bridges

Unlike roads, all bridges are considered federal-aid eligible. Figure 12 shows that MDOT has around 6% of its bridges in poor or severe condition and 67% of bridges are in fair condition. This large population of bridges in fair condition represents the previous investments in preservation. Until recently, MDOT has been able to maintain the number of bridges in fair condition before they reach the poor category, while increasing the number of bridges in good and fair condition. An aging infrastructure and rising costs along with stagnant funding or not enough existing revenue or lack of new revenue to maintain our aging bridges, have reversed some of that progress.

The number of bridges in fair condition has increased, and since 2017 the number of bridges in poor condition has increased as preservation needs exceed available revenues. Maintaining or improving the bridges rated in good or fair condition is imperative to prevent the number of bridges in the poor category from increasing further.



## 2019 Trunkline Bridge Condition

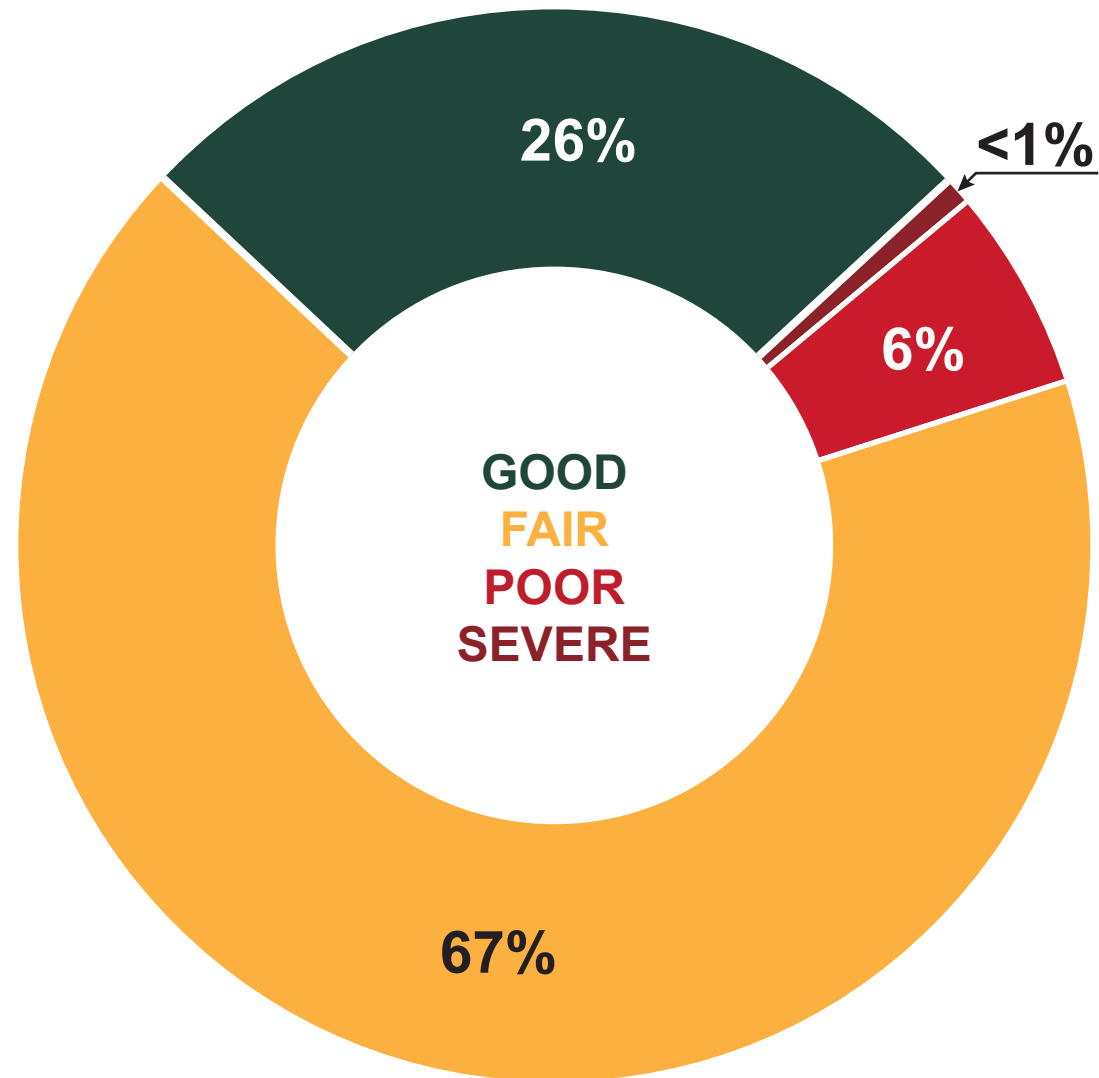


Figure 12  
Source: 2019 National Bridge Inventory

# 2019 Local Agency Bridge Condition

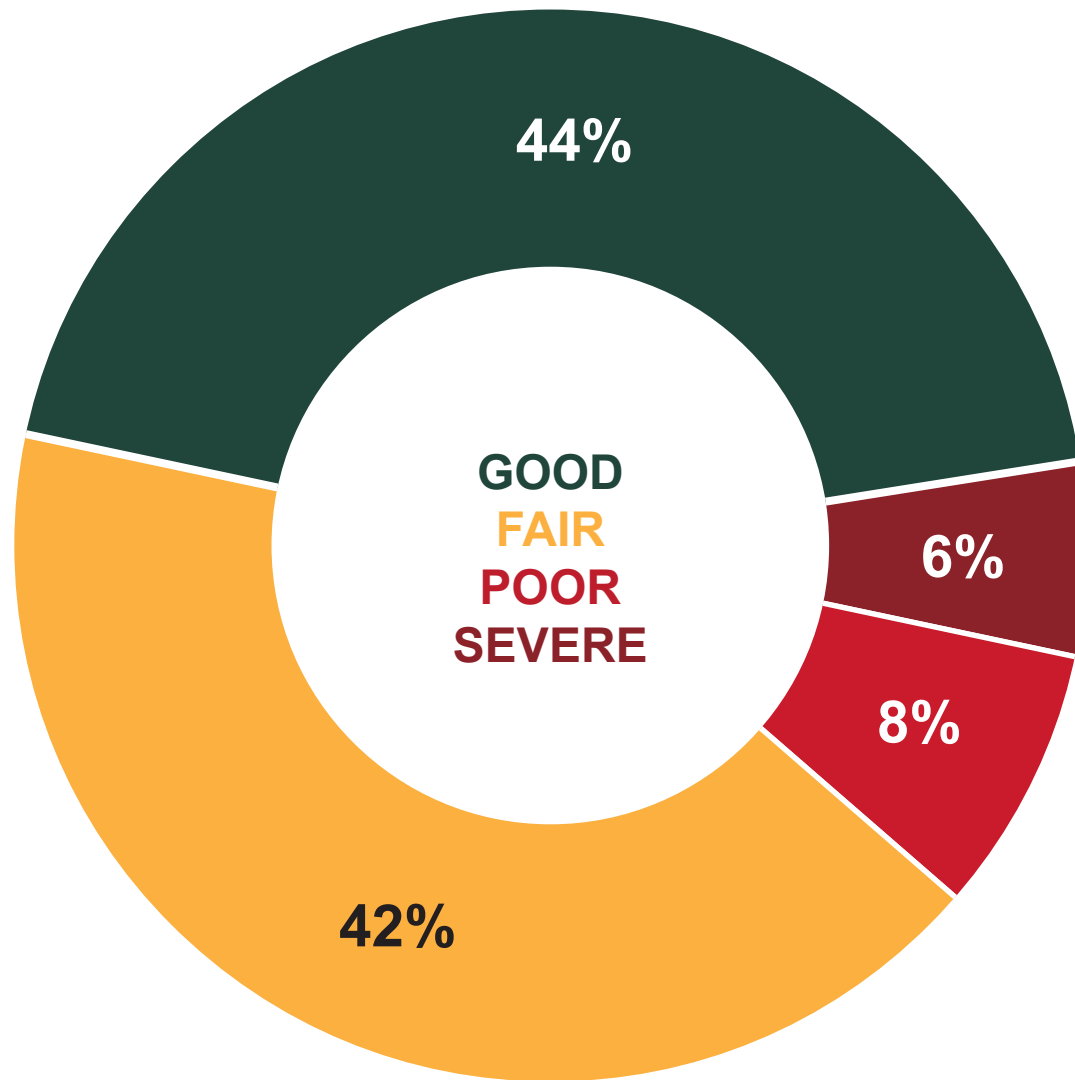


Figure 13

Source: 2019 National Bridge Inventory

## Local Agency Bridges

Figure 13 shows that local agencies are managing both a larger percentage of good bridges, while also managing a larger percentage of poor and severe bridges. While many local agencies are working to embrace preservation strategies but are prevented by the overwhelming need of the bridges in the worst conditions.

A bridge in poor condition is a candidate for major rehabilitation or replacement. When the bridge no longer has the strength to bear the loads for which it was designed, the bridge must be posted for lower loads in order to maintain safety. A bridge in severe condition often needs expensive emergency repairs, temporary supports, or shoulder closures. Ultimately, the inability to obtain funding will result in a safety risk to the public and the bridge must be closed.

At the end of 2019, 58 local agency bridges were closed due to their condition.



# Bridge Cycle of Life

Every year, analysts examine the bridge data to determine the extent to which bridges are improved or deteriorate over a 4-year span. This effort tracks how bridges change from between the good, fair, and poor ratings and is referenced as the Bridge Cycle of Life.

Figure 14 shows over 7.6% more bridges have deteriorated than have been improved between 2016-2019.

In simplified terms, the deteriorating bridges outpaces the ability to repair or replace them.



# Bridge Cycle of Life

All Bridges 2016-2019

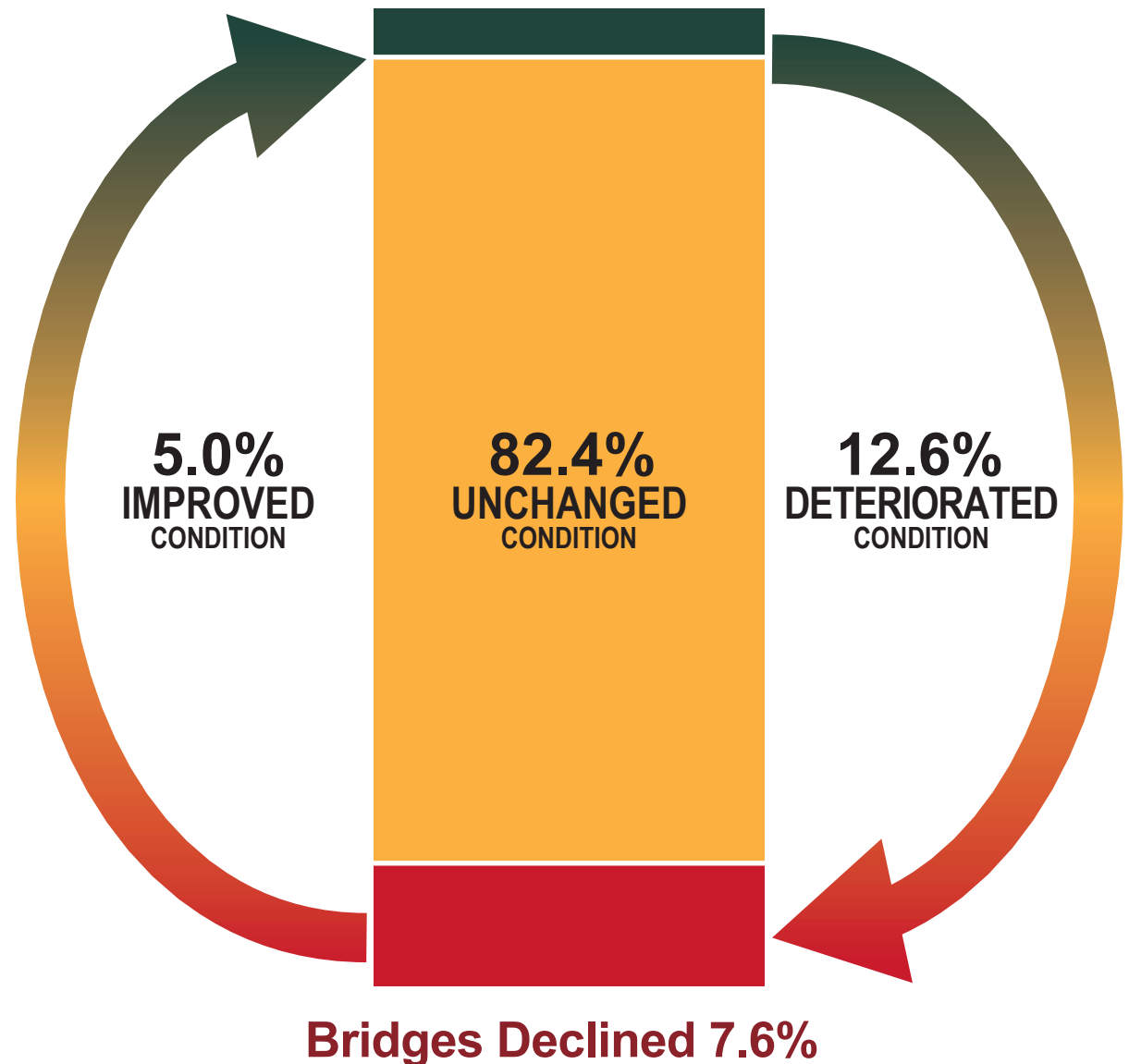


Figure 14

Source: 2016-2019 Michigan Bridge Inventory

# Bridge Condition Forecast

2021-2031

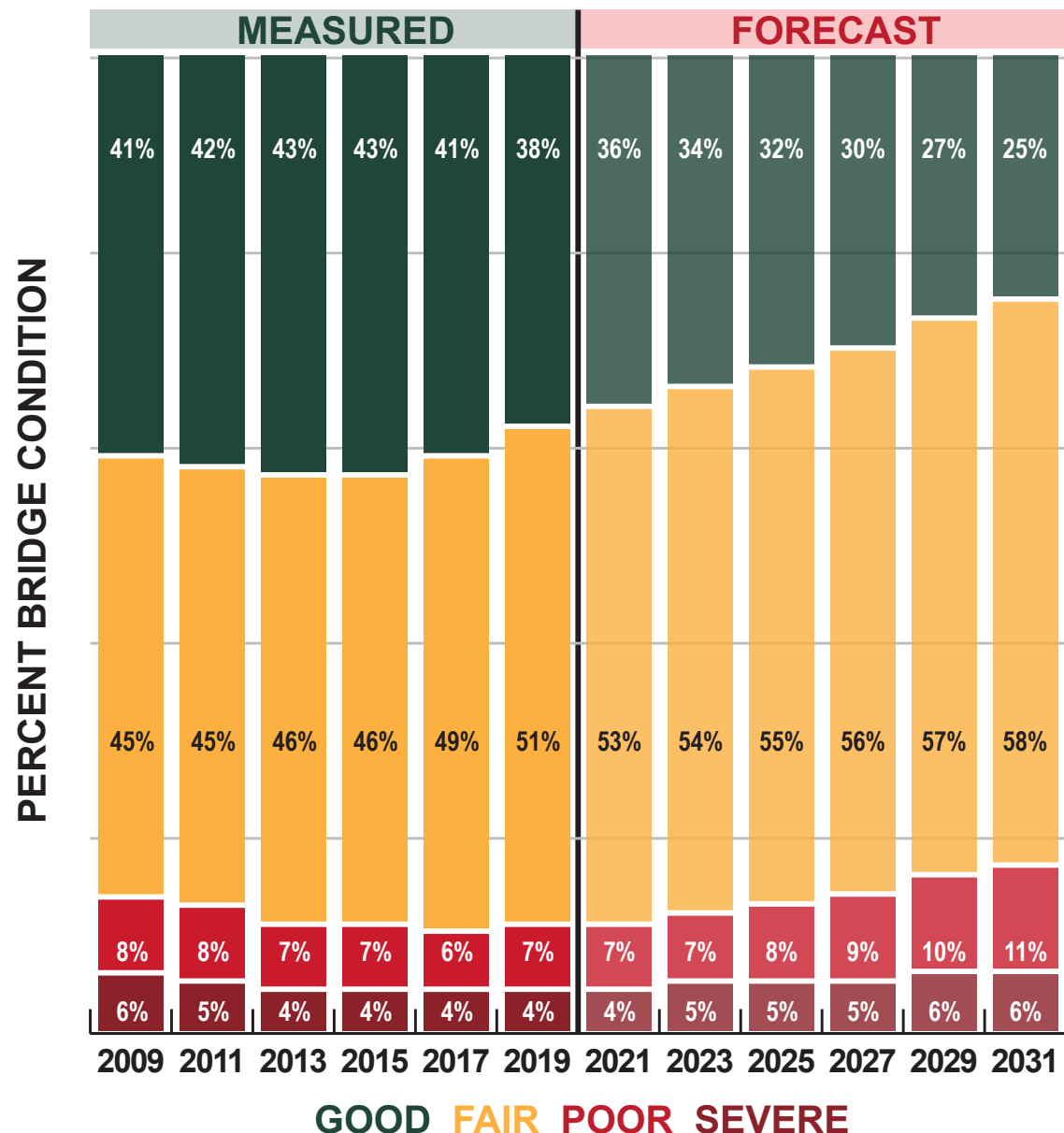


Figure 15

Source: 2020 TAMC

## Bridge Condition Forecast

Working from current bridge condition information (NBI), bridge deterioration rate, project costs, expected inflation, and fix strategies, the Bridge Condition Forecasting System (BCFS) estimates future condition of bridges. Figure 15 indicates the combined overall bridge condition of all Michigan's bridges is expected to continue to decline after 2019.

While additional funding has been approved for the state level trunkline bridges, no new funds were earmarked specifically for local bridge programs. Therefore, this forecast assumes no additional spending on bridges beyond those funds already designated for that purpose.

This forecast also includes the severe condition category that continues to rise. This indicates additional bridges will be at high risk for public safety and lead to more emergency repairs and closures without additional investment for bridge programs.









# INVESTMENT REPORTING





# Investment Reporting Tool (IRT)

The IRT was developed to allow all Michigan road agencies to satisfy the requirements of Act 51. The basic requirements are reporting road and bridge projects they have completed and projects that are planned in the next three years.

What follows in this section are added details about the tool along with summaries of the IRT data and average costs. This information is being used to help refine forecasting efforts and investigate statewide investment strategies.

With the IRT, a road agency can manage its road and bridge assets with customized maps, data exports and a variety of summary reports. Some of the new features and enhancements include:

- Areas for warranties and asset management plans
- Project reporting options with Roadsoft software
- PASER submission and review for planning agencies
- Free training statewide and online webinars
- Help desk and YouTube videos

Additionally, the interactive map in the IRT can show project information for meeting presentations and public outreach. TAMC welcomes feedback to improve the tool toward greater data quality, transparency and collaboration.

The screenshot displays the Michigan Investment Reporting Tool (IRT) interface. The top navigation bar includes links for TAMC, ABOUT TAMC, and Dave Jewett - City of Tawas City. The main header shows the tool's name and navigation buttons for Projects, Add, Map, and Reports.

The left sidebar contains a list of projects, categorized by Road Projects and Bridge Projects. The 'Road Projects' section shows a table with columns for Year, Project ID/Name, Classification, and Improvement Type. The 'Bridge Projects' section shows a table with columns for Year, Project ID/Name, Classification, and Improvement Type.

The main content area features a map of the City of Tawas City, showing the location of the 6th Ave project. The map includes a search bar and filters for Type, Classification, Improvement Type, and Warranty Information. The map also displays a calendar year and a date range.

The right sidebar shows a summary of the City of Tawas City's project data. It includes a table with columns for Road, Bridge, and Asset Management, and rows for Not Completed, Completed, and Completed.

Road	Bridge	Asset Management
Not Completed	Not Completed	Not Completed
Completed	Completed	Completed
Completed	Completed	Completed





# Road Project Details

As seen in Figure 16, 2016-2019 road projects submitted to the IRT total roughly \$5 billion dollars of total investment. A complete 2019 data set will be available fall of 2020 as reporting is based on each agency’s Fiscal Year.

Figure 17 is a listing of average costs compiled from 2016-2019 IRT reporting of road projects. For analysis and forecasting efforts it’s important to recognize costs to implement different type of projects or “mix of fixes.” For modeling purposes “major highways” are NFC 1-2 and “minor roads” are NFC 3-7.

Road IRT Project Summaries			
Year	Projects Reported	Total Cost	Total Lane Miles
2016	4,560	\$1.45 Billion	12,043
2017	4,681	\$1.06 Billion	16,531
2018	5,462	\$1.11 Billion	18,672
2019	2752	\$1.34 Billion	10,189
<b>Total:</b>	<b>17,455</b>	<b>\$4.96 Billion</b>	<b>57,435</b>

Figure 16  
Source: 2016-2019 TAMC

On page 26, Figure 18 and Figure 19 stress several key points:

- Significant cost increase when CPM is no longer viable
- Difference in a highway versus a two-lane road
- The need to maintain Good and Fair condition roads to prevent the deterioration into Poor condition

With 40% of roads statewide in poor condition, the vast amount of pavement work and required rehabilitation and reconstruction, stress the need for new investment in the billions.

Average Cost for Different Road Work	Cost Per Lane Mile	
	Minor Road	Major Highway
Type of Projects		
Light Capital Preventive Maintenance	\$10,754	\$33,687
Heavy Capital Preventive Maintenance	\$46,251	\$89,696
Rehabilitation	\$191,058	\$531,000
Reconstruction	\$661,395	\$1,701,000

Figure 17  
Source: 2016-2019 TAMC



## Fix Options For Good and Fair Roads

\$10K - \$90K Cost Per Lane Mile:  
Capital Preventive Maintenance (CPM)

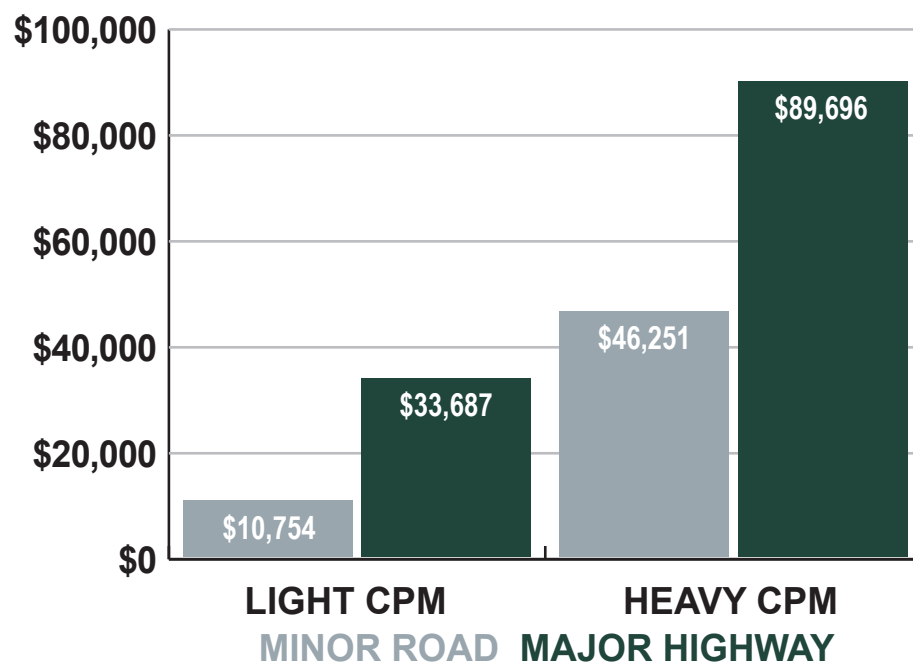


Figure 18  
Source: 2016-2019 TAMC

## Fix Options Required For Poor Roads

\$190K - \$1.7M Cost Per Lane Mile:  
Rehabilitation and Reconstruction

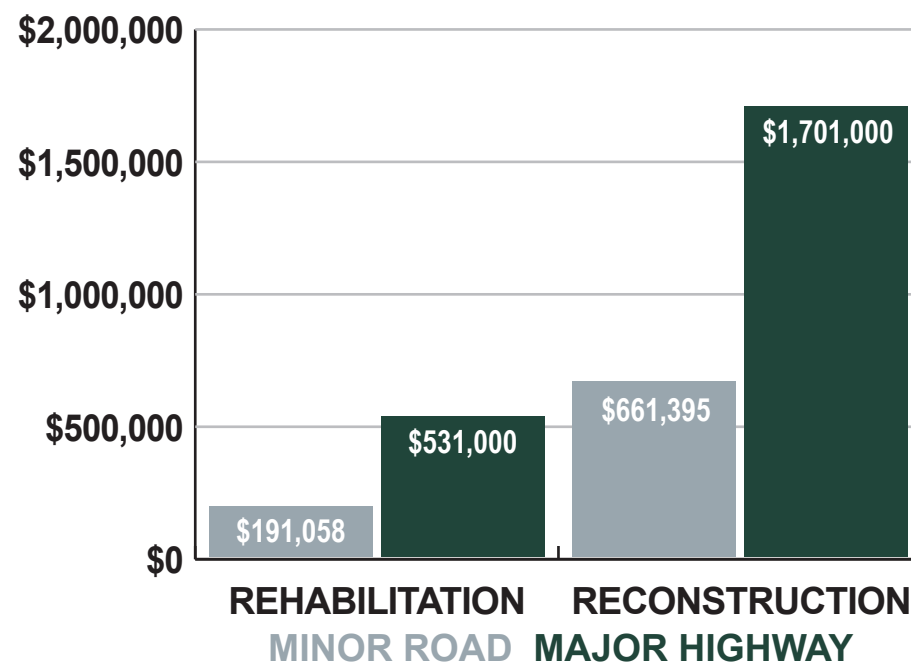


Figure 19  
Source: 2016-2019 TAMC



## Bridge Project Details

Figure 20 indicates that investment in bridge projects vary from year to year with a range of \$160M to \$375M. Roughly \$1.12 billion was reported from 2016-2019.

Of Michigan's 617 road agencies, 352 own and maintain bridges. Of Michigan's 11,000 bridges, approximately half are owned by MDOT and half by local road agencies. Bridges can vary substantially in their length, deck area and other factors. However, replacing a bridge often greatly impacts the local economy as well as emergency services regardless of agency size.

Figure 21 shows a sample of IRT reported replacement bridge projects. An average "small bridge" could be a 60 foot one span crossing with 2 lanes of traffic where a "large bridge" may have additional lanes and spans to cross further distances and carry heavier commercial traffic.

Sustained funding and preventive maintenance are even more critical for a bridge. The cost to replace a bridge for a small road agency may be more expensive than maintaining all the roads they own.

Note: The Rouge River Bridge, Zilwaukee Bridge and other large bridges are not included in statewide totals, since the high cost of this type of project would significantly shift totals and averages.

### Bridge IRT Project Summaries

Year	Agencies Reporting Bridge Projects	Total IRT Reported Cost	Projects Reported
2016	64	\$330 Million	293
2017	61	\$160 Million	244
2018	53	\$375 Million	351
2019	41	\$255 Million	352
Total:		\$1.12 Billion	1240

Figure 20

Source: 2016-2019 TAMC

## Sample Replacement Costs

Small and Large Bridges

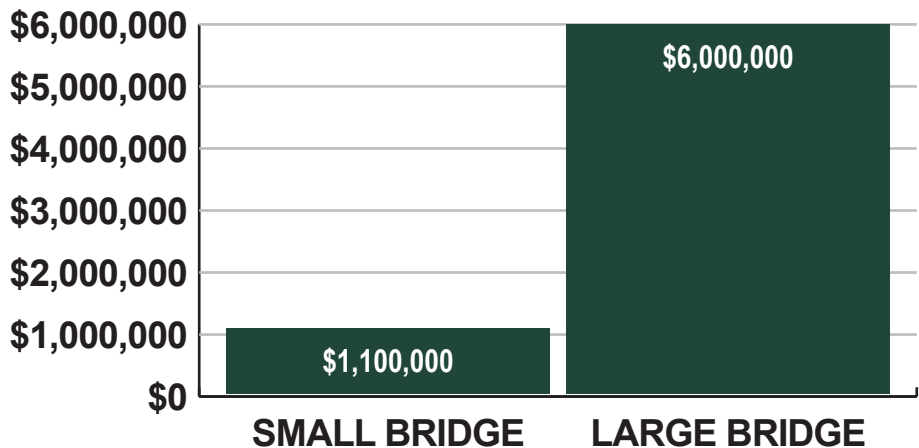


Figure 21

Source: 2016-2019 TAMC



# Putting Pieces Together - Asset Management

Critical pieces of information in the asset management toolbox is the timing of preventive fixes being applied prior to facing significant costs of roads or bridges reconstruction once they deteriorate into poor condition.

Figure 22 is a table referred to as “Saving the 5’s.” Maintaining roads that are in Fair condition are critical in managing a system. As seen in the chart close to 80% of road projects applied to the “5’s” are still Preventive Maintenance projects.

Figure 23 is a generalized chart that shows where these transitions occur over time and types of improvements to bring a road back into good condition. Keep in mind, the cost of maintenance and rehabilitation can be in the 4-6 figures of investment. Roads and bridges both need these efforts before it’s too late and they fall into the poor and reconstruction in the 6-7 figures investment is required.

In general terms, Michigan must use asset management best practices to save the roads and bridges in Good and Fair condition. However, as seen in the previous road and bridge project and condition summaries – substantial investment in the billions of dollars is needed to allow for further mix of fixes to address Michigan’s aging and critical infrastructure. TAMC is utilizing all of these tools to build a statewide investment strategy.



Saving The 5's	
Breakdown of Road Projects Applied to Roads With a PASER Rating of 5 (Fair Condition)	
Light Capital Preventive Maintenance	43%
Heavy Capital Preventive Maintenance	35%
Rehabilitation	18%
Reconstruction	4%

Figure 22  
Source: 2020 TAMC



Figure 23  
Source: 2020 TAMC

# LOOKING INTO 2020







## Continuing the Culverts

2020 looks to continue the discussions on the critical assets of culverts. From the 2018 Culvert Inventory Pilot, TAMC is investigating best practices and lessons learned. TAMC is also continuing a culvert focus group that includes the WAMC, MDOT, and EGLE along with local agencies and universities to determine what steps are next in this important effort.

## Remembering the TAMP

October 1, 2020 is a big date for 40 road agencies across the state, as the first round of the top 123 road agencies are required to submit their own TAMP. It is important that agencies stay aware of this as it can be a large effort. TAMC is here to support in any way it can with an extensive list of contacts and resources, including a template plan that uses local data to create a draft that gets a road agency most of the way there.

## Investigating the IBR

In 2018, gravel roads IBR was introduced. After two years of data collection similar to PASER, this valuable asset of Michigan's road network is being considered. This new rating system provides added tools to manage this important and often missed element of Michigan's road infrastructure.

## TAMC Conferences

With the ever-increasing interest in asset management, TAMC continues to support conferences that showcase Michigan's road agency efforts, national trends and international speakers as well. Asset management is all about collaboration and these conferences promote the spirit of teamwork by sharing experiences and providing means to network with peers. TAMC continues to offer these as a means to unite Michigan with asset management.



## Improving the Technology

TAMC continues to stay on pace with new technology as it advances and incorporates feedback from agencies and individuals that use TAMC's many tools and resources. New items scheduled for 2020 include TAMC's Interactive Map showing road and bridge conditions by House and Senate legislative districts, along with new integration with the STIP that will assist IRT users in entering planned projects.

## Looking at Strategies

One of TAMC's long-term goals has been to try to develop statewide investment strategies for Michigan's road and bridges. This year, TAMC is using historical condition and IRT projects reported by all road and bridge owning agencies along with other data sources to refine forecasting scenarios and propose potential investment strategy options. Look for TAMC to publish a document this year which will describe these strategies and the asset management principles behind them.



# **“All public roads in Michigan will be managed using the principles of asset management”**

- Public Act (PA) 499 of 2002 created the Michigan TAMC

**Michigan.gov/TAMC**





# State Transportation Commission July 23, 2020

## Tribal Affairs Policy Update

MS Teams Meeting:

US (Toll): +1 248-509-0316

Participant Code: 864 359 476#

Speaker: Amy Matisoff

MDOT Tribal Liaison

# Agenda

- Overview of New Executive Directive as it relates to existing MDOT Policy
- Implementation Plan & Timeline
- Updated MDOT Policy #10240
- Existing Guidelines (requires future updates)



# Overview of New Executive Directive

- October 31, 2019 - new Executive Directive on Tribal Affairs
- Directive requires that MDOT update its policy
  - MDOT has an existing Tribal Affairs Policy
  - MDOT has Tribal Affairs Guidelines that provide more detail on how the policy was implemented
- Existing Policy, Guidelines and Implementation Plan are attached to your calendar invite



# Analysis of New Executive Directive

- Section 2 (existing) – *“Each department and agency must adopt and implement a process for consulting on a government-to-government basis with Michigan’s federally recognized Indian tribes.”*
  - MDOT currently has a Tribal Affairs Policy (#10240), Department Operating Guidelines on execution of policy 10240 as well as an Intergovernmental Accord on Transportation
  - Implementation plan submitted to tribes and Governor’s Office January 29<sup>th</sup> as required
- Section 2(a) (existing) – *“Step One – Identification: The first step in the consultation process is the identification by the department or agency of an activity (i.e., an action or decision) that may be appropriate for consultation.”*
  - Guidelines to define routine communication vs. formal consultation

# Analysis of New Executive Directive

- Section 2(b & c) (existing)
  - Step two: Notification – existing step in MDOT process
  - Step three: Input – existing step in MDOT process
- Section 2(d) (NEW) – *“Step Four – Follow-up: The department or agency must then provide feedback to the tribe(s) involved in the consultation to explain how their input was considered in the final decision or action.”*
  - Formal written feedback to the tribe(s) involved in consultation as defined by this and past executive directives has not been formally required in MDOT policy or guidelines. Communication with tribe(s) is standard practice, however a formal feedback process with written documentation of a final decision based on tribal input is not documented.
  - Guidelines on execution of policy 10240 - Tribal Affairs Policy, will require minor updates to include guidance on this formal feedback process.



# Analysis of New Executive Directive

- Section 4(c) (UPDATE) – Executive level department tribal liaison responsibilities: *“The liaison must submit a report to the governor’s advisor on tribal-state affairs within 180 days of the effective date of this directive that describes the consultation process adopted by the department or agency pursuant to section (2).”*
  - MDOT has an existing policy that will be updated and submitted by **July 31, 2020**
  - Feedback from Tribes was a critical element in update process
- Section 5 (NEW) – *“Each department and agency must provide training on tribal-state relations for all department and agency employees who have direct interactions with tribes or who work on matters that have direct implications for tribes.”*
  - It is my understanding the Governor’s Tribal Liaison is working to develop a curriculum that can be used by all state departments.

# Implementation Plan Timeline



# Timeline for Policy & Guideline Updates

- A. Present letter and request for feedback to representatives at MACPRA Meeting – January 22, 2020
- B. Letter requesting review of proposed updates to policy and guidelines – January 29, 2020
- C. Conference calls to receive comments on updates – February 11 & 12, 2020
- D. Formal written comments from Tribes due - March 13, 2020
- E. MDOT internal review and incorporation of tribal comments into updated policy – March 2020
- F. Anticipated circulation of draft, updated policy to tribes – March 27, 2020
- G. Final comments on policy from tribes due – April 10, 2020
- H. Final updates made to policy – April 15, 2020




# Timeline for Policy & Guideline Updates

- I. State Transportation Commission Meeting for policy approval – July 23, 2020
- J. Circulation of final, updated Tribal Affairs Policy 10204 for public consumption – July 31, 2020
- K. Tribal Liaisons meet with each tribe to discuss Tribal Consultation – February - April 2021
- L. Continue updates to MDOT Department Operating Guidelines on Tribal Affairs – Fall 2020 & Winter 2021
- M. Circulation of final draft of updated MDOT Department Operating Guidelines to tribes for review and comment – May/June 2021
- N. Adoption of updated MDOT Department Operating Guidelines on Tribal Affairs – August 2021

*\*\* Dates highlighted in red have been adjusted to accommodate travel and in-person meeting restrictions put in place due to COVID-19.*

# Updated Tribal Affairs Policy

MDOT 3903 (3/98)		PAGE 1 OF 2	
 <b>MDOT</b> Michigan Department of Transportation	<b>COMMISSION POLICY</b>	<b>IDENTIFIER</b>	<b>EFFECTIVE DATE</b>
		10240 (was 10140)	1-25-07
		<b>SUPERSEDES</b>	<b>DATED</b>
		NEW	
<b>RESPONSIBLE ORGANIZATION:</b> MDOT			
<b>SUBJECT:</b> Tribal Affairs Policy			

On May 12, 2004, Governor Granholm signed Executive Directive 2004-5 to carry out commitments from the 2002 Government-to-Government Accord with Michigan's federally-acknowledged Indian tribes. This Michigan Department of Transportation (MDOT) policy ensures that MDOT operates in accordance with the Governor's Executive Directive 2004-5 and federal law. This directive reaffirms the recognition of and fully supports the government-to-government relationship that exists between the State of Michigan and federally-acknowledged Michigan Indian tribes. It aligns with MDOT's mission to provide the highest quality integrated transportation services for economic benefit and improved quality of life. Through this policy, MDOT will pursue a proactive and consistent process in tribal affairs.

# Highlight of Updates to Policy

- Update text added to supplement existing text in Tribal Affairs Policy #10240
- Section added to require consultation
  - Identification
  - Notification
  - Input
  - Follow-up
- Section added to require annual training on Tribal-State relations for department employees



# Updated Tribal Affairs Guidelines

**MICHIGAN FEDERALLY RECOGNIZED TRIBES  
MICHIGAN DEPARTMENT OF TRANSPORTATION (MDOT)  
(IMPLEMENTING EXECUTIVE DIRECTIVE No. 2004-5)**

**DEPARTMENT OPERATING GUIDELINES**

*Updated – March 22, 2019*

**Policy Statement**

MDOT, in accordance with Governor Granholm's Executive Directive No. 2004-5, reaffirms recognition and fully supports the government-to-government relationship that exists between the State of Michigan, its departments and agencies, and the federally recognized Indian tribes of the State of Michigan.

# Plan to update Department Operating Guidelines

- The MDOT Tribal Affairs Liaison will work with stakeholders to update the Department Operating Guidelines – **Fall 2020 & Winter 2021**
- The guidelines provide additional details as to how the Tribal Affairs Policy should be carried out and define roles/responsibilities
- Updated guidelines will be brought back to the STC for review after receiving input from stakeholders – **tentatively Summer 2021**

*\*\* Dates highlighted in red have been adjusted to accommodate travel and in-person meeting restrictions put in place due to COVID-19.*

# Questions?



**Amy Matisoff, Tribal Liaison**  
MDOT - Executive Office  
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GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
**DEPARTMENT OF TRANSPORTATION**  
LANSING

PAUL C. AJEGBA  
DIRECTOR

MEMORANDUM

TO: Wenona Singel,  
Deputy Legal Counsel

FROM: Amy Matisoff,  
Tribal Liaison

DATE: October 21, 2019

SUBJECT: Annual Report on Tribal Consultation

The Michigan Department of Transportation (MDOT) maintains a variety of ongoing consultative, contractual, and collaborative relationships with each of 12 federally-acknowledged sovereign Tribal governments whose lands are located within the political boundaries of the State of Michigan. Federally-acknowledged Tribes are sovereign governments that exercise direct jurisdiction over their members and territory and, under some circumstances, over other citizens as well. Tribal governments provide a wide array of governmental services to their members including lawmaking, Tribal police and court systems, health and education services, and many more.

MDOT government-to-government activities with tribes are performed under the requirements of Transportation Commission Policy 10240 (formerly 10140). The policy requires preparation of this annual review and a report on MDOT Tribal consultation activities and planned outreach initiatives.

**HIGHLIGHTS**

Throughout 2018 and 2019 documented coordination between Tribal governments and MDOT took place with 8 of the 12 federally-acknowledged Tribes. The following report is a summary of significant government-to-government activities, as submitted by MDOT. Below you will find a list of specific highlights that provide a snapshot of the full report.

- Successful partnership between KBIC, MDOT TSC/Region staff, and economic development staff that resulted in grant funds to allow for safer access around a local casino.
- MDOT commitment to assisting Grand Traverse Tribe with road widening project on M-72 at Acme Creek.
- Opened new lines of communication with KBIC and helped establish new processes for handling invasive species located around Tribal properties in the future.
- Grand Region and Muskegon TSC staff are currently working with FHWA to review the BIA draft Final EIS for proposed casino in Muskegon County.

MEMO - Draft Executive Directive on Tribal Relations  
October 14, 2019

- Partnership with the Gun Lake Tribe to plan and design improvements to the US-131 & M-179 interchange near the Gun Lake Casino.
- MDOT is working toward collaborative conversations on how speed limits are set through Michigan State Police. Statewide there are concerns from Tribal governments on how speed limits are set on MDOT roads that traverse Tribal lands. Tribal governments would like to be more involved in conversations with Michigan State Police and MDOT on how to determine and/or reduce speed limits in their communities.

Detailed summaries from each of the areas that interact with the 12 federally-acknowledged Tribes are included in the annual report on the succeeding pages.

Thank you for your consideration of this annual report on Tribal Consultation.

Respectfully,

A handwritten signature in black ink, appearing to read "Amy Matisoff", with a stylized flourish at the end.

Amy Matisoff  
Strategic Alignment, Outreach &  
Tribal Liaison

## **TRIBAL CONSULTATION ANNUAL REPORT**

### **I. Statewide Coordination and Planning with Tribal Governments**

August 23, 2012, Governor Rick Snyder signed Executive Directive 2012-2 regarding Tribal-State relations, recognizing the first Government-to-Government Accord with the federally recognized Indian Tribes in 2002. Under the 2012 Directive, the Governor acknowledged Michigan's continual commitment to enhance and improve communication between parties, foster respect for Tribal sovereign status, and facilitate the resolution of potentially contentious issues. In addition, each executive branch department shall designate an individual to be responsible for department-wide coordination of the department's interactions with the governments of Michigan's federally recognized Indian Tribes. This individual shall be known as the department's Tribal Liaison. The department's Tribal Liaison shall report significant department interaction with the tribes to the Governor's Advisor on Tribal- State Affairs and the department director, as required under the 2012 Directive.

In 2017, Stu Lindsay retired from the position of MDOT Tribal Liaison after many years of successful consultation, communication, and accountable interaction with our Tribal Partners. Claire Stevens succeeded Mr. Lindsay and subsequently left MDOT in the Fall of 2018. Amy Matisoff, Executive Office Tribal Liaison, has since taken over the Tribal duties.

### **II. Direct Consultation with Tribes on Cultural and Historic Preservation Issues**

Over the past year, MDOT archeologist James A. Robertson, Ph.D., continued routine consultation activities with Michigan Indian Tribes for both major action transportation projects and minor projects that had the potential to impact culturally significant historic properties. Activities conducted by Dr. Robertson generally are required by Federal mandate under Section 106 of the National Historic Preservation Act and the Native American Graves Protection and Repatriation Act. Dr. Robertson also met with representatives of the Michigan Anishinaabek Cultural Preservation & Repatriation Alliance (MACPRA) on a quarterly basis to provide updates on MDOT projects and activities.

Consultation has taken place regarding possible impacts to archeological sites and traditional cultural properties, possible impacts to threatened and endangered species, and a proposed detour with the Little River Band of Ottawa Indians for the M-55 bridge replacement of the Manistee River.



### **III. Regional Coordination with Tribal Governments**

MDOT's day-to-day business contacts with Tribal governments are conducted primarily through Region and Transportation Service Centers (TSC). Region and TSC staff meet with Tribal governments to identify multimodal transportation needs that may mutually benefit both governments, including roads, streets, non-motorized trail systems, and other transportation related facilities. Regions invite elected Tribal leaders and transportation partners to the Annual Rural Elected Officials Meetings and Summits. The following is a summary of significant government-to-government region activities in 2018 & 2019, as submitted by MDOT region and TSC staff:

#### **Bay Mills Indian Community**

Participated in meetings associated with the development of the Tribes Transportation Safety Plan.

There are no Tribal projects planned on the State trunkline at this time. The tribe will receive any meeting notices for the public meetings pertaining to the major projects on the five-year project list.

#### **Hannahville Indian Community**

There are no Tribal projects planned on the State trunkline at this time nor have there been any outreach or consultation specifically by the Region, TSC, or MDOT Planner. The Tribe will receive any meeting notices for the public meetings pertaining to the major projects on the five-year project list.

#### **Grand Traverse Band of Ottawa and Chippewa Indians**

The Traverse City TSC coordinated with the Grand Traverse Band who would like to widen M-72 to 5 lanes at the Acme Creek crossing. The Grand Traverse Band have stated there are grant monies available for the tribe, however they would like MDOT to design and oversee the project. ***MDOT has committed to helping with the project and, if needed, would fund up to 50% of project after all the Tribal resources have been utilized.*** The TSC is hoping to hold a meeting with Tribal Representatives when they are ready.

#### **Keweenaw Bay Indian Community**

MDOT held a KBIC Engagement Meeting November 7<sup>th</sup>, 2018. Conversations resulted in coordination with KBIC to restrict identified areas for MDOT herbicide spraying along US-41 at the head of Keweenaw Bay.

Continual coordination with KBIC on inquiries related to speed limits along US-41 in Baraga County.

Supported KBIC's application for a Category (A) Transportation Economic Development Funds project. This project will fund transportation improvements at a major casino expansion project (Casino expansion and future new hotel) in Harvey, Michigan. The partnership allowed MDOT to prepare design plans and administer the construction contract in 2019. ***This was a very successful partnership between KBIC, MDOT TSC/Region staff, and economic development staff that resulted in much safer access from a major casino in Harvey.***

Supported a joint project between KBIC and the Village of Baraga for TAP funded non-motorized pathway from Sand Point to the Baraga Marina with future plans to extend to the Baraga State Park.

Coordinated MDOT's 2020 asphalt paving project from L'Anse to Assinins to accommodate KBIC's annual Water Walk. Restrictions were placed in the bid proposal prohibiting work south of M-38 on the day of the Water Walk.

Met with KBIC representatives on several occasions to discuss the eradication of invasive species located within MDOT ROW. Meeting highlights include:

- MDOT will not apply herbicide within the KBIC boundary in 2019
- KBIC will continue to control invasive plants by hand pulling and using herbicides along the roadside
- KBIC will keep a record ("spray log") of the use of herbicides along the roadside
- Provided a copy of the log that MDOT uses for each site we apply herbicide throughout the Upper Peninsula – perhaps this will work for the tribe as a template
- KBIC will provide a copy of these records to MDOT upon completion of the season.
- KBIC and MDOT will continue to discuss the possibility of an MDOT right of way permit
- MDOT's main concern is safety, and urges KBIC to use caution, and always wear protective vests while working adjacent to the roadway
- KBIC and MDOT can meet in the late fall/winter, in an effort to discuss what worked, improvements that can be made, etc..
- This 2019 season is somewhat of a "trial run." MDOT is available for support if needed. If for some reason during the summer season, KBIC identifies that the pilot project doesn't work, further discussions will take place to determine a solution.
- MDOT is not attempting to avoid responsibilities of maintaining the roadside, rather, we may have found a creative solution that meets the needs of KBIC & MDOT.

***This was a major coordination effort that resulted in new lines of communication with KBIC and helped establish new processes for handling invasive species located around Tribal properties in the future.***

Coordinated with the KBIC and Jim Robinson on a Section 106 review for a road project located within Baraga County, US-41 and M-38 Mill and Resurfacing & Falls River north to Old 41 Road and M-38 from Beartown Road to US-41 (Baraga County, Michigan).

### **Lac Vieux Desert Band of Lake Superior Chippewa Indians**

The Crystal Falls TSC and Region staff continue to coordinate with LVD to assess traffic operations, including both motorized & non-motorized trail crossings and connections along the US-45 corridor through Watersmeet Township. ***Based upon the outcome of several meetings, the TSC has worked closely with Watersmeet Township, the Gogebic County Road Commission, the Watersmeet School District, the Bureau of Indian Affairs (BIA), law enforcement and the LVD tribe to discuss various safety concerns, including speed and the extents of an existing school zone.*** Outcomes included brushing, clearing, relocations and updating of school zone speed limit signing with flashers along US-45 in 2018. Improvements within the school zone included installation of new posts, upsized signs with improved sheeting, electrical modifications and flashing beacons. The remainder of all other signs along the US-45 corridor were upgraded in 2019.

MDOT has also continued to work with the BIA to finalize a geometric cross-section along US-45 as part of MDOT JN 205196. The scope of improvements involves widening to a full 3-lane cross section near the Casino and C-Store area, with an additional right turn lane for vehicular traffic accessing the recently constructed LVD comprehensive health center. The MDOT improvements are scheduled as part of the 2021 construction program, including HMA reconstruction and resurfacing from North of Rifle Range Road to Bass Lake Road.

MDOT has also assisted LVD and BIA to support and assemble an application to fund a Road Safety Audit (RSA). In partnership with the LVD tribe and BIA, MDOT staff (TSC and Statewide) participated as part of a consultant RSA to address concerns and input from many local representatives. The RSA was completed in May 2019.

### **Little River Band of Ottawa Indians**

The North Region Planners and Traverse City TSC staff will continue to work with Tribal Council and Planner regarding their US 31/M-22 intersection realignment project. The Tribe will receive any meeting notices for the public meetings pertaining to the major projects in the Manistee area.

The Bureau of Indian Affairs (BIA) published a Draft Environmental Impact Statement (EIS) for a proposed Casino development in Muskegon County. MDOT Muskegon TSC, Region Development and Planning have worked with the MDOT Environmental Section and FHWA to provide comments on potential transportation impacts near the US-31/I-96 interchange and



connecting routes. A meeting was held with BIA and Tribal staff in early 2019 to review our comments. ***Region and TSC staff are currently working with FHWA to review the BIA draft Final EIS, recently sent out for review. Once the Final EIS is approved, it is expected that the Muskegon TSC will develop an agreement with the Tribe to monitor and mitigate traffic impacts resulting from the proposed development.***

#### **Little Traverse Bay Bands of Odawa Indians**

There are no Tribal projects planned on the State trunkline at this time nor have there been any outreach or consultation specifically by the Region, TSC, or MDOT Planner. The Tribe will receive any meeting notices for the public meetings pertaining to the major projects in the Petoskey and Mackinaw City areas that are on the five-year project list.

#### **Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians (Gun Lake Tribe)**

Grand Region and the West Michigan Regional Planning Commission have worked with the Gun Lake Tribe to complete the corridor management plan for M-179, which was designated as a Pure Michigan Byway.

The Grand Region and Grand Rapids TSC are working with the Gun Lake Tribe regarding potential improvements to the US-131/M-179 interchange. Studies have started, and alternatives are being reviewed jointly. The Tribe's preference is for a Single Point Urban Interchange (SPUI), which is often used for areas with limited Right-Of-Way (ROW). MDOT and the Gun Lake Tribe have an agreement in place for the PE phase of the proposed interchange and design is underway for the SPUI option. Property issues are being reviewed with FHWA, BIA and the Tribe.

MDOT-Grand Region and Grand Rapids TSC staff have on-going meetings with representatives of the Gun Lake Tribe and their consultant to review design plans and address issues related to the interchange, connecting state highways (US-131 and M-179) and county roads. ***A second agreement with the Gun Lake Tribe is being developed for construction funding. The Tribe will likely participate in most of the interchange costs, with MDOT contributing rehabilitation project costs on M-179 and possibly on US-131 near the interchange.*** Additional stakeholder and public meetings are also planned. Construction may begin in 2020 or 2021.

#### **Nottawaseppi Huron Band of the Potawatomi**

Marshall Transportation Service Center staff provided notification to the Huron Potawatomi Tribe regarding a detour related to work being performed along the M-311 bridge over the Kalamazoo River.

**Pokagon Band of Potawatomi Indians**

There are no Tribal projects planned on the State trunkline at this time nor have there been any outreach or consultation specifically by the Region, TSC, or MDOT Planner. The Tribe will receive any meeting notices for the public meetings pertaining to the major projects on the five-year project list.

**Sault Ste. Marie Tribe of Chippewa Indians**

There are no Tribal projects planned on the State trunkline at this time nor have there been any outreach or consultation specifically by the Region, TSC, or MDOT Planner. The Tribe will receive any meeting notices for the public meetings pertaining to the major projects on the five-year project list.

**Saginaw Chippewa Indian Tribe of Michigan**

The Bay Region continued its tradition of meeting quarterly with Tribal officials and staff during 2018 & 2019 to discuss various planned road improvements as well as traffic management issues pertaining to entertainment venues and as to how best minimize impacts to visitors and employees.

We continue to work with Tribal police and Soaring Eagle resort staff to improve traffic flow and safety after events. There is also a new focus on potential safety improvements at M-13 and Worth Rd. in Standish to accommodate future traffic demands with the development of a hotel and conference center at the Saganing Eagles Landing Casino.

**IV. Current and Projected 2020 MDOT Activities Relating to Tribal Governments**

1. MDOT is currently in the process of updating its 2045 State Long-range Transportation Plan. Public comment was gathered in spring of 2019. Development of the plan, with goals, objectives and key strategies will continue into 2020. The new plan will have an increased emphasis and content on pedestrians, bicyclists and active transportation.
2. Planning for the 2020 Intergovernmental Meeting on Transportation is underway. The biannual meeting is a discussion forum on government-to-government transportation policy, planning and project development between Tribal, Federal, State, Regional and Local Governments. The meeting is likely to be held in the fall of 2020.
3. Consultation with Saginaw Chippewa Indian Tribe of Michigan regarding erosion and stairway concerns at the White Rock Roadside Park on M-25, a long-standing cultural landmark.

MDOT – Annual Report on Tribal Consultation  
October 21, 2019

4. It should be noted that as part of the current MDOT Five-Year Transportation Program (2019-23) there are several planned projects that either entirely or partially travel through Tribal lands located within the seven counties that make-up Southwest Region. As part of the stakeholder and public hearing process, those effected Tribal governments will be notified of every opportunity to review and provide input for each of these projects.



# **Draft MDOT Commission Policy on Tribal Affairs Policy #10204**

*Updated 04/07/2020*

On May 12, 2004, Governor Granholm signed Executive Directive 2004-5 to carry out commitments from the 2002 Government-to-Government Accord with Michigan's federally-acknowledged Indian tribes. In addition, on October 31, 2019, Governor Whitmer signed Executive Directive 2019-17 on State-Tribal Relations. This Michigan Department of Transportation (MDOT) policy ensures that MDOT operates in accordance with the Governor's Executive Directives 2004-5, 2019-17 and federal law. These directives reaffirm the recognition of and fully supports the government-to-government relationship that exists between the State of Michigan and federally-acknowledged Michigan Indian tribes. It aligns with MDOT's mission to provide the highest quality integrated transportation services for economic benefit and improved quality of life. Through this policy, MDOT will pursue a proactive and consistent process in tribal affairs and extends commitments with Michigan's federally-acknowledged Indian tribes to recognize their sovereignty and right of self-governance.

The following policy sections pertaining to the consultation process will adhere to the framework and requirements as set forth in Executive Directive 2019-17 yet remain flexible to meet the particular needs and circumstances of each consultation.

1. MDOT shall appoint an individual (Tribal Affairs Coordinator) to be responsible for department-wide coordination of the Tribal Affairs Program, operating under the guidance of the Director and the Chief Administrative Officer. The Tribal Affairs Coordinator shall annually report departmental interaction with the governments of the federally-acknowledged Indian tribes to the Governor's Advisor on Tribal-State Affairs. Additionally, the Tribal Affairs Coordinator will participate in the annual summit, the annual Tribal-State Forum, and monthly tribal-state conference calls.
2. MDOT shall prepare and shall update existing Tribal Affairs Program procedures/guidelines consistent with directives from the Governor's office, which shall identify the roles and responsibilities of the department and coordinator in the function and administration of these government-to-government relationships. In accordance with federal and state laws, regulations, and policies, the department will incorporate early and continuous government-to-government consultations with federally-recognized tribes into the development of processes and products on any issue that may impact tribal interests including, but not limited to, the following:
  - State Long-Range Transportation Plans
  - Pending and/or Proposed Policies, Rules, Legislation, and/or Regulations
  - Five-Year Transportation Program
  - State Transportation Improvement Program
  - Memorandums of Agreement/Understanding
  - Project Accord Agreements
  - Asset Management
  - Access Management
  - Context Sensitive Solutions
  - Tribal Affairs Annual Report
  - Indian Reservation Roads Inventory

# **Draft MDOT Commission Policy on Tribal Affairs Policy #10204**

*Updated 04/07/2020*

3. MDOT shall perform government-to-government consultation with federally-recognized tribes following the steps outlined in Executive Directive 2019-17:

- Step One – Identification:

MDOT will use the following mechanisms to identify activities appropriate for consultation:

- i. State Initiated Identification
- ii. Tribal Government Initiated Identification
- iii. Other Resources
- Step Two – Notification
- Step Three – Input
- Step Four – Follow-up

Identification definitions and further details on consultation steps are outlined in the MDOT Tribal Affairs Program Procedures/Guidelines.

4. The Tribal Affairs Coordinator will be responsible for facilitating the implementation of the Tribal Affairs Program Procedures/Guidelines. The department shall provide the State Transportation Commission with an annual review and report, including an outreach plan.

5. MDOT will provide annual training on Tribal-State relations for department employees with direct Tribal interaction or those working on matters that have direct implications for tribes, as further defined in the MDOT Tribal Affairs Program Procedures/Guidelines.

Adopted by the Michigan State Transportation Commission on July 23, 2020.

Commission Advisor: \_\_\_\_\_ Date: \_\_\_\_\_

**MICHIGAN FEDERALLY RECOGNIZED TRIBES  
MICHIGAN DEPARTMENT OF TRANSPORTATION (MDOT)  
(IMPLEMENTING EXECUTIVE DIRECTIVE No. 2019-17)**

**DEPARTMENT IMPLEMENTATION PLAN**

*January 28, 2020* Updated 07.13.2020

## Introduction

Article I, Section 8 of the U.S. Constitution states that “Congress shall have the power to regulate Commerce with foreign nations and among the several states, and with the Indian tribes”. This language forms the legal/historic basis for Indian tribes as distinct from the federal government, the states, and other foreign nations, and is consistent with the reality that Indian Tribes were the original governing nations in North America. The U.S. government recognizes Tribal nations as "domestic dependent nations" within the United States. The Constitution and supporting federal law grant domestic sovereignty to Tribes, but without granting full sovereignty equivalent to that of foreign countries; hence the term "domestic dependent nations". “Tribal sovereignty” is the authority granted (“recognized”) by Congress to an association of indigenous tribal people to govern themselves as a “dependent sovereign” nation within the borders of the United States. Formal recognition of Tribal sovereignty is only by act of Congress (as implied by language of the U.S. Constitution). The U.S. government has a duty to protect sovereign tribal interests, which implies (as courts have held) the legislative and executive authority needed to carry out that duty.

There are 12 federally recognized Tribal governments in Michigan. Sovereign Tribal governments are each recognized individually by Congress and are politically independent from one another, although Tribal citizens may share important historical and cultural connections. Each sovereign Tribal nation in Michigan operates on a familiar separation of powers model: Executive (President, Tribal Council Chairperson, Chief, Ogema); Legislative (Tribal Council); and Judicial (trial and appellate courts). In modern times Tribal members hold a dual citizenship in both the United States and in the Tribe.

The Federal Highway Administration (FHWA), as a federal protector of Tribal interests, has supervening authority over the states to monitor the extent that federally funded state transportation planning and development projects may negatively impact Tribal environmental justice rights, or that may disturb land areas where tribal ancestral burials or other culturally significant artifacts may exist. Proper application of a host of federal statutes relates to the protection of these lands and interests, principally Section 106 of the National Historic Preservation Act of 1966, Section 4(f) the U.S. Department of Transportation Act of 1966, and various provisions of the National Environmental Policy Act of 1970. By agreement between FHWA and Michigan Department of Transportation (MDOT), responsibility for project oversight and compliance with Federal law for state transportation projects is delegated to MDOT and is carried out by environmental and archaeological staff in MDOT’s Environmental Section, Bureau of Highway Development.

At the October 31, 2019 summit of Michigan’s tribal leaders in Mt. Pleasant, Governor Gretchen Whitmer signed Executive Directive 2019-17 on State-Tribal Relations. The executive directive reaffirms and extends Michigan's commitment to recognize the sovereignty and right of self-governance of Michigan's federally-recognized Indian tribes and orders each state department and agency to adhere to defined principles.

The following plan outlines MDOT’s actions for updating existing tribal affairs policy and guidelines that not only implements Executive Order 2019-17 but identifies other ways in which the Department shall ensure ongoing and effective communication and coordination with tribes.



## Guiding Principles

The Michigan Department of Transportation recognizes the right of self-determination for Indian tribal governments and the obligation to work with Indian tribal governments in a government-to-government relationship. As a Department of the State of Michigan, MDOT has a responsibility and is committed to working with Indian tribal governments, respecting tribal sovereignty and self-determination.

The MDOT will continue to foster and facilitate positive government-to-government relations between the Department and all Michigan Federally-recognized Indian tribes. The purpose of this plan is to develop, improve, and maintain partnerships with Indian tribes by using agreed-upon processes when the Department develops, changes, or implements policies, programs, or services with tribal implications. The Department's efforts to update existing policy and guidelines will be guided by the following principles:

- The Department must engage with tribal nations on a government-to-government basis.
- Tribal sovereignty and Indian self-determination are now, and must always be the foundation of every policy or program.
- Recognition that tribal governments have primary authority and responsibility for each tribe's own land and membership.
- Recognition that communication and coordination with tribal partners are essential to accountability and success.

## Narrative

On November 5, 2009, President Obama issued a Memorandum on Tribal Consultation reaffirming the unique legal and political relationship with Indian tribal governments and tasked executive departments and agencies with creating detailed plans of actions that they will take to implement the policies and directives of Executive Order 13175, "Consultation and Coordination with Indian tribal Governments" (Nov. 6, 2000).

Executive Order 13175 recognizes the unique legal relationship that the Federal government has with Indian tribes and sets forth the criteria agencies should follow when formulating and implementing policies that have tribal implications. In addition, Executive Order 13175 requires Federal agencies to establish a consultation process for interactions with Indian tribes in the development of regulatory policies that have tribal implications. The FHWA – US Department of Transportation has delegated portions of responsibility outlined in the Executive Order to state agencies that assist in delivering Federal Transportation Funding through state departments of transportation. By agreement between FHWA and Michigan Department of Transportation (MDOT), responsibility for project oversight and compliance with Federal law for state transportation projects is delegated to MDOT. Federal law (23 CFR 450.208) requires that states take Tribal government objectives into account in MDOT's planning for roads, bridges, pedestrian and public transit operations. In addition, transportation program coordination and consultation with Tribes is required by Executive Orders signed by Michigan's current and previous governors.

On October 28, 2002, the State of Michigan entered into a Government to Government Accord (the "Accord") with the twelve federally recognized Indian tribes located in Michigan. This Accord served as an acknowledgement by the State of these tribes' sovereignty and right to self-governance and self-determination, and as a commitment by the State to use a process of consultation with the tribes to minimize and avoid disputes.

Executive Directive 2012-2 (Gov. Snyder) reaffirms 2004-5 (Gov. Grahnmolm) and carries out Michigan's policy toward Tribes, embodied in the 2002 Michigan Government-to-Government Accord signed by Governor Engler. These documents re-affirm Michigan's recognition of the sovereignty of the 12 federally recognized tribal

governments; require all state agencies to consult with tribal governments in the development of state agency policy and proposed actions; and require all state agencies to identify a tribal government liaison to serve as a single point of contact for tribal governments.

Current MDOT Tribal Affairs Policy 10240 was adopted January 25, 2007 by the State Transportation Commission (STC). This Michigan Department of Transportation policy and subsequent guidelines require departmental adherence to federal law and the executive directives referenced above, and requires “..early and continuous government-to government consultations with federally recognized tribes into the development of our processes and products and on any issues which may impact tribal interests...”. This policy reaffirms the recognition of and fully supports the government-to-government relationship that exists between the State of Michigan and federally acknowledged Michigan Indian tribes.

Additionally, an Intergovernmental Accord on Transportation was an initiative undertaken by the Federal Highway Administration/Michigan Division, and the Michigan Department of Transportation, to further enhance government to government relationships on transportation matters with the 12 Sovereign Tribal Governments located in Michigan. The overall objective was to provide a non-binding agreement as a framework for regular roundtable discussion meeting on transportation issues, and to memorialize an informal commitment by FHWA, MDOT and the Tribes to meet biennially for a planning conclave with Tribal, Federal, State, Regional, and Local governments, that has come to be known as the “Michigan Intergovernmental Transportation Meeting”.

The accord language was approved by FHWA, MDOT Contracts Division and by the Office of Attorney General as of October 30, 2009 and was sent to all 12 Tribal Governments for their consideration. As of February 12, 2012, seven of the tribes located in Michigan have signed the accord.

The aforementioned policy, guidelines and accord align with MDOT’s mission to provide the highest quality integrated transportation services for economic benefit and improved quality of life. Through these documents, MDOT will pursue a proactive and consistent process in tribal affairs.

At the October 31, 2019 summit of Michigan’s tribal leaders in Mt. Pleasant, Governor Gretchen Whitmer signed Executive Directive 2019-17. The Executive Directive 2019-17 details a process of tribal consultation designed to ensure meaningful and mutually beneficial communication and collaboration between the tribes and the state departments and agencies on all matters of shared concern. It is the first executive directive in Michigan history to require training on tribal-state relations for all state department employees who work on matters that have direct implications for tribes.

Executive Directive 2019-17 serves to reaffirm, implement, formalize and extend the commitments made by the State of Michigan in the 2002 Accord. First, it ensures that all departments and agencies are aware of and adhere to certain fundamental principles regarding government-to-government relations with Michigan’s federally recognized Indian tribes. Second, it delineates a process of tribal consultation designed to ensure meaningful and mutually beneficial communication and collaboration between these tribes and the departments and agencies on all matters of shared concern. Third, it builds into the operations of the State of Michigan the infrastructure necessary to ensure that the objectives of this directive and the Accord, and the strong tribal-state relationship envisioned by them, are realized as fully as possible. Finally, it requires annual training on Tribal-State Affairs be provided to department staff who work on matters that have direct implications for tribes

In response to the new Executive Directive, the current MDOT Tribal Affairs Policy 10240 addresses several major components but will require some updates and changes in order to accomplish the Department’s ongoing commitment to Tribal consultation and relationship building. Specifically, the current policy references Section IV of Executive Directive No. 2019-17, Tribal-State Relations, that stipulates that each executive branch

department having substantial interaction with tribal governments shall designate an individual to be responsible for department-wide coordination of the department's interactions with the governments of the federally recognized Indian tribes in Michigan. MDOT Director Paul C. Ajegba has appointed Amy Matisoff as the Tribal Liaison (Liaison) under the immediate direction of Laura J. Mester, Chief Administrative Officer (CAO). These tribal affairs responsibilities extend departmentally serving the executive area of the department for the express purpose of the full implementation of the Governor's Directive.

Day-to-day business contacts with Tribal governments are conducted primarily through Region and Transportation Service Centers (TSC). Region and TSC staff meet with Tribal governments to identify multimodal transportation needs that may mutually benefit both governments, including roads, streets, non-motorized trail systems, and other transportation related facilities. Regions invite elected tribal leaders and transportation partners to the Annual Rural Elected Officials Meetings and Summits to discuss upcoming projects, potential concerns and the five-year plan.

At the direction of 2007 MDOT Tribal Affairs Policy, the department prepared Tribal Affairs Program procedures/guidelines consistent with directives from the Governor's office, which identify the roles and responsibilities of the department and liaison in the function and administration of these government-to-government relationships. After completing updates to Policy 10204, the subsequent guidelines will require updates as well. Updates to the guidelines will be in accordance with federal and state laws, regulations, and policies, the department will incorporate early and continuous government-to-government consultations with federally-recognized tribes into the development of processes and products on any issue that may impact tribal interests including, but not limited to, the following:

- State Long-Range Transportation Plans
- Pending and/or Proposed Policies, Rules, Legislation, and/or Regulations
- Five-Year Transportation Program
- State Transportation Improvement Program
- Memorandums of Agreement/Understanding
- Project Accord Agreements
- Asset Management
- Access Management
- Context Sensitive Solutions
- Tribal Affairs Annual Report
- Indian Reservation Roads Inventory

Lastly, the Executive Directive requires annual training on Tribal-State Affairs be provided to department staff who work on matters that have direct implications for tribes. This additional requirement will be added the MDOT Policy and guidelines once a training curriculum is established through the Governor's deputy legal counsel for tribal-state affairs.

## Goals and Actions

MDOT will continue to support the fundamental principles of self-government, self-determination, and tribal sovereignty specified in Executive Order 2019-17. MDOT will implement this plan to establish meaningful consultation and collaboration with tribal officials in the development of transportation policies that have tribal implications, and to strengthen the government-to-government relationship between MDOT and Michigan's federally-recognized Indian tribes. Specifically, MDOT will:

**Foster meaningful government-to-government relations by:**



- Act on the behalf of and in coordination with FHWA to protect tribal interests as they relate to Section 106 of National Historic Preservation Act and other goals stated by FHWA.
- Ensuring participation by Department officials at national tribal conferences, tribal/state meetings, summits, and conferences discussing tribal issues.
- Establishing direct and consistent contact with Indian tribal governments, including visiting tribal governments at reservations, Native Villages, and communities.
- Seeking tribal government representation in meetings, conferences, summits, advisory committees, and review boards concerning issues with tribal implications.

**Improve existing tribal programs by:**

- Seeking tribal input when the MDOT develops or revises regulations with tribal implications and providing adequate time to allow for comment.
- Notifying tribes of grant opportunities through multiple means, including direct letters and emails whenever appropriate.
- Providing timely technical assistance on changes to legislation, regulations, programs, and grants.

**Ensure the MDOT's uniform and effective delivery of tribal affairs coordination throughout the state by:**

- Assessing the resource needs of the tribal transportation policy/programs at the MDOT and provide additional resources as needs are identified.
- Distribute training modules provided by the Governor's deputy legal counsel to all pertinent MDOT employees to educate on tribes, the sovereignty of tribal governments, and the unique government-to-government relationship between tribes and the state government.
- Reaffirming MDOT's commitment to working with the Bureau of Indian Affairs on tribal consultation.
- Addressing tribal transportation issues in MDOT Strategic Plans.
- Enhancing support for tribal Liaison(s) within MDOT and other staff throughout the Department working with tribal governments.

**Assist in implementing tribal infrastructure projects by:**

- Working with tribal governments to develop case studies and best practices in transportation planning and highway safety.
- Identifying and communicating to tribal leaders emerging issues that could impact tribal transportation programs.
- Publishing guidance on the MDOT's programs with potential benefits to tribal governments.

## Policy Update Outline

To commence the process for updating Tribal Affairs Policy 10240 and corresponding guidelines, the Michigan Department of Transportation tribal liaisons will meet with Tribal Historic Preservation Representatives at the quarterly Michigan Anishinaabek Cultural Preservation & Repatriation Alliance (MACPRA) meeting to introduce the policy updates and request for feedback. Additionally, MDOT will address a letter dated January 29, 2020 to leaders and transportation planners of all Michigan federally-recognized Indian tribes to solicit their input on the key areas to be updated in the policy and guidelines. Key areas of focus for the updates will be outlined in the letter as follows:

- Are there additional areas or interests that should be added to the existing list of consultation triggers;
- What procedures best ensure meaningful, timely consultation;
- Does the definition of routine communications, thus not considered consultation, need to be updated;

- How should follow-up after consultation be documented and communicated; and
- When are alternatives to consultation, such as conferences, workshop sessions or task forces, appropriate to improve communication and coordination with tribal nations?

The formal letter requesting comment from the tribes will allow for 45 days to comment on the updated policy and guidelines. Additionally, the MDOT Tribal Liaison and Senior Staff Archaeologist will hold two conference calls with tribes in the upper and lower peninsulas to solicit input from tribal leaders on the elements of the consultation policy and guideline updates. Conference call information:

Tribes located in the Upper Peninsula - [1:00 – 2:30pm, February 11th]

Tribes located in Lower Peninsula - [10:00 – 11:30am, February 12th]

The attendees of the conference calls can include representatives from Tribes, MDOT Bureaus, Regions, Divisions, and Transportation Service Centers as day-to-day business contacts with Tribal governments are conducted primarily through Region and Transportation Service Centers (TSC).

#### **Process for consultation policy updates:**

- A. MDOT draft proposed changes to policy and guidelines based on new ED – December 2019 & January 2020
  - B. Amy presents letter and request for feedback to representatives at MACPRA Meeting – January 22, 2020
  - C. Letter requesting review of proposed updates to policy and guidelines – January 29, 2020
  - D. Conference calls to receive comments on updates – February 11 & 12, 2020
  - E. Formal written comments from Tribes due - March 13, 2020
  - F. MDOT internal review and incorporation of tribal comments into updated policy – March 2020
  - G. Anticipated circulation of draft, updated policy to tribes – March 23, 2020
  - H. Final comments on policy from tribes due – April 6, 2020
  - I. State Transportation Commission Meeting for policy approval – April 23, 2020
  - J. Circulation of final, updated Tribal Affairs Policy 10204 for public consumption – April 28, 2020
  - K. MDOT Tribal Liaisons meet with each tribe to discuss MDOT/Tribal Consultation – April, May & June 2020
  - L. Continue updates to MDOT Department Operating Guidelines on Tribal Affairs – July - December 2020
  - M. Circulation of final draft of updated MDOT Department Operating Guidelines on Tribal Affairs to tribes for review and comment – December 2020
  - N. Adoption of updated MDOT Department Operating Guidelines on Tribal Affairs – February 2021
- INSERT - Review of updated Department Operating Guidelines on Tribal Affairs by STC - Early 2021

Questions regarding this plan or the process of updating MDOT's Tribal Affairs Policy and definition of tribal consultation should be directed to:

#### **Amy Matisoff, Tribal Liaison**

Michigan Department of Transportation - Executive Office  
 Van Wagoner Building  
 425 West Ottawa Street  
 PO Box 30050  
 Lansing, MI 48909  
 Phone: 517-282-7457  
 Fax: 517-373-2687  
 Email: matisoffa@michigan.gov

**\*\*\* Note: Dates highlighted in yellow will be adjusted to accommodate travel and in-person meeting restrictions put in place due to COVID-19. See Tribal Affairs Power Point for tentative dates.**

**MICHIGAN FEDERALLY RECOGNIZED TRIBES  
MICHIGAN DEPARTMENT OF TRANSPORTATION (MDOT)  
(IMPLEMENTING EXECUTIVE DIRECTIVE No. 2004-5)**

**DEPARTMENT OPERATING GUIDELINES**

*Updated – March 22, 2019*

**Policy Statement**

MDOT, in accordance with Governor Granholm's Executive Directive No. 2004-5, reaffirms recognition and fully supports the government-to-government relationship that exists between the State of Michigan, its departments and agencies, and the federally recognized Indian tribes of the State of Michigan.

**MDOT – Department Tribal Affairs Coordinator**

Section III (B) of Executive Directive No. 2004-5, Tribal-State Relations, stipulates that each executive branch department having substantial interaction with tribal governments shall designate an individual to be responsible for department-wide coordination of the department's interactions with the governments of the federally recognized Indian tribes in Michigan. At MDOT, Director Paul C. Ajegba has appointed **Amy Matisoff** as the **Tribal Affairs Coordinator** (Coordinator) under the immediate direction of Laura J. Mester, Chief Administrative Officer (CAO). These tribal affairs responsibilities extend departmentally serving the executive area of the department for the express purpose of the full implementation of the Governor's Directive.

**MDOT-Tribal Operating Guidelines**

Section III (F) of the Governor's Executive Directive stipulates departments' establishment of guidelines to accomplish meaningful and timely consultation with Indian tribes prior to certain types of department actions and on a regular basis. The MDOT Coordinator is the appointed department representative responsible for developing, administering and reporting on the MDOT Tribal Operating Guidelines under the immediate direction of the CAO. Further, the Coordinator is responsible for ensuring a consultation process that informs and engages all state, department, and tribal personnel, as appropriate, to accomplish the purpose and objectives of the directive. Therefore, the following establishes MDOT's operating guidelines for proper implementation of Executive Directive No. 2004-5 and the department's tribal consultation process:

1. All proposed transportation related legislation, promulgated regulation, and/or policy formulation that will specifically affect a federally recognized Indian tribe must be considered for potential initiation of the tribal consultation process.
2. MDOT will consider any requests by a federally recognized Indian tribe for consultation regarding any such proposed legislation, promulgated regulation, and/or policy formulation.

3. MDOT will initiate measures necessary to properly inform and engage all concerned parties within the department, the affected Indian tribe(s), and the Governor's Advisor on State Tribal Affairs (as applicable) for such consultations as may be appropriate to the circumstances and on a timely basis.
4. Whenever reasonably possible, consultations identified in Section III (D) of Executive Directive No. 2004-5 shall be undertaken by MDOT preceding final action by the department on any such pending legislation, regulation, and/or policy affecting federally recognized Indian tribes.
5. MDOT will organize and participate in such meetings with the 12 federally recognized tribes as necessary to establish and maintain strong government-to-government relations.
6. In the event that MDOT and any federally recognized Indian tribe do not reach an accord through consultation on any such legislation, regulation, and/or policy, such incidence will be reported in a timely fashion to the Governor's Deputy Legal Counsel on State Tribal Affairs by the department Coordinator.
7. MDOT will maintain appropriate reporting and communications between the department and the Governor's Deputy Legal Counsel on State-Tribal Affairs, on all tribal-related issues.

#### **MDOT Department-Tribal Consultation**

The following identifies executive, administrative, and operating areas of responsibility within MDOT when engaging in tribal consultations. These consultations are to be conducted on a government-to-government basis including departmental programs and projects, as applicable:

#### **MDOT Executive Office Responsibilities – Laura J. Mester, CAO**

The department CAO maintains overall program responsibility for department tribal affairs. The CAO provides immediate executive direction and support to the Coordinator in the conduct and administration of department tribal affairs' responsibilities detailed in this policy.

#### **MDOT Executive Office - Amy Matisoff, Coordinator**

The MDOT Coordinator, serving the executive office of the department and under the immediate direction of the CAO, is the appointed department authority responsible for developing, administering and reporting on the MDOT's Tribal Operating Guidelines for proper implementation of Executive Directive No. 2004-5. Therefore, the following specific Coordinator responsibilities are in accordance with the MDOT's Tribal Operating Guidelines and apply departmentally:

1. All proposed transportation-related legislation, promulgated regulation, and/or policy formulation that will specifically affect a federally recognized Indian tribe must be reported to the department Coordinator for initiation of the tribal consultation process.



2. Any requests by a tribal government for consultation regarding any such proposed legislation, promulgated regulation, and/or policy formulation will be referred to the Coordinator.
3. The Coordinator will initiate measures necessary to properly inform and engage all concerned parties within the department, the affected Indian tribe(s), and the Governor's Advisor on State Tribal Affairs (as applicable) for such consultations as may be appropriate to the circumstances and on a timely basis.
4. Whenever reasonably possible, consultations identified in Section III (D) of Executive Directive No. 2004-5 shall be undertaken by the MDOT Coordinator preceding final action by the department on any such pending legislation, regulation, and/or policy affecting federally recognized Indian tribes.
5. In the event that MDOT and any consulting federally recognized Indian tribe do not reach an accord through consultation on any such legislation, regulation, and/or policy, such incidence will be reported by the Coordinator in a timely fashion to the Governor's Deputy Legal Counsel on State Tribal Affairs.
6. Anyone within the department receiving any complaints and/or identified issues from a tribe must refer such complaints and/or issues to the Coordinator.
7. The Coordinator will attend and arrange meetings with each of the 12 federally recognized Michigan tribes in both a frequency and manner, and at such leadership levels, necessary to establish and maintain strong government-to-government relations between the tribes and MDOT.
8. The Coordinator will maintain appropriate reporting and communications between the department and the Governor's Deputy Legal Counsel on State Tribal Affairs, on all tribal related issues.
9. The Coordinator shall review and/or revise MDOT operating procedures as necessary to ensure continuity and integrity between the MDOT Tribal Operating Guidelines and other department policies and procedures.
10. The Coordinator shall issue regular reports to the CAO and other MDOT executive areas regarding government-to-government activities between MDOT and the tribes.
11. The Coordinator is MDOT's designated representative at the Annual Governor's Interstate Indian Council, State Tribal Forum, and any other such state-tribal conferences as may be applicable; however, the CAO may also elect to participate in such meetings and conferences, as needed.
12. The Coordinator is the designated department contact with federal agencies (e.g., Federal Highway Administration, Bureau of Indian Affairs, etc.) for issues relative to MDOT's tribal consultations on federal-aid projects.
13. The Coordinator undertakes a central role in developing and consulting on departmental tribal Memorandum of Understandings, Memorandum of Agreements, and/or other statewide or departmental accords and agreements.
14. The Coordinator shall support MDOT tribal consultations on state and national homeland security protocols related to transportation.
15. The Coordinator shall receive and review all MDOT intra-departmental reports on tribal interactions and initiate appropriate courses of action for department tribal consultations.

**Departmental Responsibilities of Bureaus, Regions, Divisions, and Transportation Service Centers** for tribal consultation include the prompt notification of tribal requests for consultation directed to the Coordinator, full support of the Coordinator in the arrangements and/or conduct of any required consultations between the tribes and the department, and regular reporting of consultations and interactions with Indian tribes to the Coordinator. Government-to-government consultations between MDOT and the Michigan Indian tribes include such areas as MDOT programs and projects (state and federal-aid); proposed and/or implemented legislation, regulations, and policies; and, any other departmental interaction that affects Michigan Indian tribes as may be further identified by the tribe(s) and/or the Coordinator. Consultations, as intended herein, are formal discussions regarding those actions or plans by, or concerning interface points between, the department and the federally acknowledged Indian tribes of Michigan.

Routine communications between tribes and department entities engaged in the ongoing business of their respective areas are not considered consultations under these guidelines, except where conflict and/or issues arise between the tribe(s) and MDOT, and/or if consultation is requested by the tribe(s) or the Coordinator.

**Michigan Federally-Recognized Tribes (12):**

A list of tribes with addresses and tribal contacts will be provided by the Coordinator.

- Bay Mills Indian Community – Brimley, MI
- Grand Traverse Band of Ottawa and Chippewa Indians – Peshawbestown, MI
- Gun Lake Tribe, Match-e-be-nash-she-wish Band of Potawatomi – Shelbyville, MI
- Hannahville Potawatomi Indian Community – Wilson, MI
- Keweenaw Bay Indian Community – Baraga, MI
- Lac Vieux Desert Band of Lake Superior Chippewa Indians – Watersmeet, MI
- Little River Band of Ottawa Indians – Manistee, MI
- Little Traverse Bay Bands of Odawa Indians – Petoskey, MI
- Nottawaseppi Huron Potawatomi – Fulton, MI
- Pokagon Band of Potawatomi – Dowagiac, MI
- Saginaw Chippewa Indian Tribe – Mount Pleasant, MI
- Sault Ste. Marie Tribe of Chippewa Indians – Sault Ste. Marie, MI